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JOURNAL

OF THE

INDIANA STATE SENATE,

DURING THE

FORTY-SIXTH SESSION

OF THE

GENERAL ASSEMBLY,

COMMENCING THURSDAY, JANUARY 7, 1869.

INDIANAPOLIS:

ALEXANDER H. CONNER, STATE PRINTER.

1869.

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JOURNAL
OF THE
SENATE OF INDIANA.

REGULAR SESSION.

THURSDAY, JANUARY 7, 1869.

The Forty-Sixth Session of the General Assembly of the State of Indiana, begun and held at the Capital, in the City of Indianapolis, on Thursday, the 7th day of January, A. D. 1869.

The Senate was called to order by O. M. Wilson, Secretary of the last Senate, and the following Senators holding over answered to their names :

- ✓ From the counties of Posey and Gibson—Thomas C. Jaquess.
- ✓ From the counties of Warrick and Spencer—S. F. Johnson.
- ✓ From the counties of Knox and Daviess—W. S. Turner.
- ✓ From the counties of Pike, Dubois and Martin—Aaron Houghton
- ✓ From the counties of Perry, Orange and Crawford—William F. Sherrod.
- ✓ From the counties of Jackson and Brown—William Taggart.
- ✓ From the counties of Floyd and Clarke—George V. Howk.
- ✓ From the counties of Ripley and Switzerland—F. J. Bellamy.
- ✓ From the counties of Dearborn and Ohio—Elijah Huffman.
- ✓ From the county of Jefferson—John R. Cravens.
- ✓ From the counties of Bartholomew and Shelby—Thos. G. Lee.

- ✓ From the counties of Owen and Greene—John Humphreys.
- ✓ From the counties of Parke and Vermillion—Thomas N. Rice.
- From the counties of Madison and Delaware—M. S. Robinson. ✓
- ✓ From the counties of Carroll and Howard—F. G. Armstrong.
- ✓ From the county of Franklin—Thomas Gifford.
- ✓ From the county of Tippecanoe—J. A. Stein.
- ✓ From the county of Wayne—Isaac Kinley.
- ✓ From the county of Allen—William W. Carson.
- From the counties of Benton, White, Pulaski, Jasper and Newton—Anson Walcott.
- ✓ From the counties of St. Joseph and Marshall—John Reynolds.
- ✓ From the counties of Lake and Porter—Firman Church.
- From the counties of Grant, Blackford, and Jay—Robert Huey.
- From the counties of Huntington and Wells—Wilson Smith. ✓

The following Senators elect appeared, presented credentials, and were sworn into office by Hon. Jas. S. Frazier, one of the Judges of the Supreme Court of the State of Indiana, and took their seats, viz:

- From the counties of Miami and Wabash—Stearns Fisher.
- From the county of Vanderburgh—Daniel Morgan.
- From the counties of Lawrence and Monroe—James Hughes.
- From the counties of Washington and Harrison—G. W. Denbo.
- From the counties of Fayette and Union—James Elliott.
- From the counties of Rush and Decatur—W. J. Robinson.
- From the counties of Morgan and Johnson—E. Henderson.
- From the counties of Putnam and Hendricks—John V. Hadley.
- From the county of Montgomery—Archibald Johnson.
- From the counties of Clinton and Boone—Thos. M. Hamilton.
- From the county of Marion—John Caven and Sims A. Colley.
- From the counties of Henry and Hancock—Luther W. Hess.
- From the county of Randolph—Isaac P. Gray.
- From the county of Vigo—Harvey D. Scott.
- From the counties of Hamilton and Tipton—John Green.
- From the counties of Cass and Fulton—Charles B. Laselle.
- From the counties of Laporte and Starke—James Bradley.
- ✓ From the county of Elkhart—James R. Beardsley. ✓
- ✓ From the counties of Kosciusko and Whitley—A. Y. Hooper.
- From the counties of Allen and Adams—Oehmig Bird. ✓
- ✓ From the counties of Noble and Lagrange—Abner S. Case.
- From the counties of DeKalb and Steuben—E. W. Fosdick.

From the counties of Scott and Jennings—Alanson Andrews.

From the counties of Fountain and Warren—S. F. Wood.

The Secretary announced the election of President, *pro tem.*, to be the next thing in order.

Mr. Bellamy nominated Hon. John R. Cravens, of Jefferson.

Mr. Bird, of Allen, nominated Hon. A. Johnson, of Montgomery.

The Secretary requested Messrs. Jaquess and Turner to act as tellers, and proceeded with the call of the roll.

Those who voted for Mr. Cravens were,

Messrs. Andrews, Armstrong, Beardsley, Bellamy, Case, Cavin, Church, Colley, Elliott, Fisher, Fosdick, Gray, Green, Hadley, Hamilton, Hess, Hooper, Houghton, Hughes, Jaquess, Johnson of Spencer, Kinley, Rice, Reynolds, Robinson of Madison, Robinson of Decatur, Scott, Stein, Wolcott, and Wood—30.

Those who voted for Mr. Johnson were,

Messrs. Bird, Bradley, Carson, Denbo, Gifford, Henderson, Howk, Huey, Hoffman, Humphreys, Laselle, Lee, Sherrod, Smith, Taggart, and Turner—16.

Mr. Cravens having received a majority of all the votes cast, was declared duly elected President of the Senate. *pro tem.*

Senators Bird and Walcott conducted the President elect to the chair, when he addressed the Senate as follows:

Gentlemen of the Senate:

In the exercise of your discretion, you have chosen me as the presiding officer of the Senate during its organization and for a very brief period over its deliberations afterward. It is but just to you that I should assure you that I fully appreciate the honor you have bestowed upon me. It is also due to myself to say that I as fully appreciate the labor and responsibility inseparably connected with that honor, and the best acknowledgement any one so situated could make, is a faithful and efficient discharge of the duties.

It would hardly be proper for me to indulge in any extended remarks on this occasion; but I may venture the assertion that much,

very much, is expected of this General Assembly by the people. Our situation is now very different from what it was a short time ago. The dangers of war have passed away, but we have precipitated upon the country the perils of peace immediately succeeding war, and those perils are often times as difficult of adjustment, if not as dangerous, as war itself. The upheavings of a mighty rebellion have handed over to the people moral and political questions of the most complicated character. The demands of the times are imperative; and among the suggestions of the hour no one is entitled to more earnest and immediate consideration than the duty, the necessity, for the most rigid and prudent economy in the public expenditures. The people demand at our hands the most prudent and practical legislation—legislation that has for its object the public good, in the development of our resources and the encouragement of all industrial interests; and the people will not tolerate legislation of an experimental, equivocal or questionable character. They also demand of us that, in the selection of public agents, with whom are to be entrusted the general welfare, the honor and dignity of the State, that none but citizens of unquestioned integrity, known capacity, and spotless honor, shall be chosen. It is no time for the political adventurer, the charlatan or the trickster. It is too true that integrity is far more rare than talent, and for this reason we are the more solemnly charged with the exercise of the highest discretion in bestowing the public dignities. This much I have thought proper to say in entering upon the duties of this office, and I will now give way in order that you may proceed in perfecting the organization of the Senate.

The President announced that nominations for Principal Secretary were now in order.

Mr. Stein put in nomination Hon. O. M. Wilson, of Marion county.

Mr. Sherrod put in nomination Mr. William Mack, of Vigo county.

Those who voted for Mr. Wilson were,

Messrs. Andrews, Armstrong, Beardsley, Bellamy, Case, Caven, Church, Colley, Elliott, Fisher, Fosdick, Gray, Green, Hadley, Hamilton, Hess, Hooper, Houghton, Hughes, Jaquess, Johnson of Spen-

cer, Kinley, Rice, Reynolds, Robinson of Madison, Robinson of Decatur, Scott, Stein, Walcott, Wood, and Mr. President—31.

Those who voted for Mr. Mack were,

Messrs. Bird, Bradley, Carson, Denbo, Gifford, Henderson, Howk, Huey, Huffman, Humphreys, Johnson of Montgomery, Laselle, Lee, Morgan, Sherrod, Smith, Taggart, and Turner—18.

Mr. Wilson having received a majority of all the votes cast, was declared duly elected Secretary of the Senate.

The President announced that nominations for Assistant Secretary were now in order.

Mr. Kinley put in nomination Hon. W. A. Bonham, of Blackford county.

Mr. Bird put in nomination Mr. William Thomas Patterson, of Montgomery county.

Those who voted for Mr. Bonham were,

Messrs. Andrews, Armstrong, Beardsley, Bellamy, Case, Cavin, Church, Colley, Elliott, Fisher, Fosdick, Gray, Green, Hadley, Hamilton, Hess, Hooper, Houghton, Hughes, Jaquess, Johnson of Spencer, Kinley, Rice, Reynolds, Robinson of Madison, Robinson of Decatur, Scott, Stein, Walcott, Wood, and Mr. President—31.

Those who voted for Mr. Patterson were,

Messrs. Bird, Bradley, Carson, Denbo, Gifford, Henderson, Howk, Huey, Huffman, Humphreys, Johnson of Montgomery, Laselle, Lee, Morgan, Sherrod, Smith, Taggart, and Turner—18.

Mr. Bonham having received a majority of all the votes cast, was declared duly elected Assistant Secretary of the Senate.

Nominations for Door Keeper being in order,

Mr. Robinson put in nomination Mr. John F. Furnish, of Grant county.

Mr. Denbo put in nomination Jno. E. Johnson, of Marion county.

Those who voted for Mr. Furnish were,

Messrs. Andrews, Armstrong, Beardsley, Bellamy, Case, Cavin, Church, Colley, Elliott, Fisher, Fosdick, Gray, Green, Hadley, Hamilton, Hess, Hooper, Houghton, Hughes, Jaquess, Johnson of Spencer, Kinley, Rice, Reynolds, Robinson of Madison, Robinson of Decatur, Scott, Stein, Wolcott, Wood, and Mr. President—31.

Those who voted for Mr. Johnson were,

Messrs. Bird, Bradley, Carson, Denbo, Gifford, Henderson, Howk, Huey, Huffman, Humphreys, Johnson of Montgomery, Laselle, Morgan, Sherrod, Smith, Taggart, and Turner—18.

Mr. Furnish having received a majority of all the votes cast, was declared duly elected Door Keeper of the Senate.

The Secretary, Assistant Secretary, and Door Keeper elect came forward and took the oath of office, and entered upon the discharge of their respective duties.

Mr. Johnson, of Montgomery, submitted a communication, which was read by the Secretary.

Mr. Stein moved that the communication be returned to the Senator presenting it.

The ayes and noes being demanded by Messrs. Johnson and Humphreys,

Those who voted in the affirmative were,

Messrs. Andrews, Armstrong, Beardsley, Bellamy, Case, Church, Colley, Elliott, Fisher, Fosdick, Gray, Green, Hadley, Hamilton, Hess, Hooper, Hughes, Jaquess, Johnson of Spencer, Kinley, Rice, Reynolds, Robinson of Madison, Robinson of Decatur, Scott, Stein, Wolcott, Wood, and Mr. President—29.

Those who voted in the negative were,

Messrs. Bird, Bradley, Carson, Caven, Denbo, Gifford, Henderson, Howk, Huey, Huffman, Humphreys, Johnson of Montgomery, Laselle, Lee, Morgan, Sherrod, Smith, Taggart, and Turner—19

So the communication was returned.

Mr. Hooper offered the following resolution :

Resolved, That the House be informed that the Senate has convened, formed a quorum, and organized by the election of the Hon. John R. Cravens President, *pro tem.*; O. M. Wilson, Principal Secretary, W. A. Bonham Assistant Secretary, and John F. Furnish Door Keeper, and that the Senate is now ready to proceed with legislative business.

Which was adopted.

Mr. Jaquess offered the following resolution :

Resolved, That a committee of three be appointed to whom the rules of the Senate be referred for revision, and that the rules of the last session of the Senate be adopted until otherwise ordered by the Senate, and that said committee be instructed to report to the Senate this afternoon.

Which was adopted.

And the President appointed Messrs. Jaquess, Stein, and Johnson, of Montgomery, said committee.

Mr. Johnson, of Montgomery, offered the following resolution :

Resolved, That the Door Keeper be directed to place upon the desk of each Senator a copy of the rules of the last session of the Senate.

Which was adopted.

Mr. Kinley offered the following resolution :

Resolved, That the Secretary of the Senate be instructed to request the Superintendent of the Soldiers' Home to send us three intelligent, sprightly boys to act as pages of the Senate, informing him that they will receive two dollars a day for their services, and that the Door Keeper will procure good boarding places for them, and exercise a watchful care over their comforts and morals.

Which was not adopted.

Mr. Armstrong offered the following resolution :

Resolved, That the President of the Senate appoint a committee of three Senators, to whom the Secretaries and Door Keepers shall

report the names and duties required of all the assistants by them appointed; and it shall be the duty of said committee to authorize the appointment of such assistants, *only*, as are needed, and to report the same to the Senate for its action; and no person shall draw pay for services as such assistant unless his employment be authorized by such committee and approved by the Senate.

Which was adopted,

And the President appointed Messrs. Armstrong, Bellamy, and Turner said committee.

Mr. Jaquess offered the following resolution:

Resolved, That a committee of three be appointed to act with a similar committee on the part of the House to invite some minister of the gospel to open the session of the General Assembly with prayer, immediately before the delivery of the Governor's message.

Which was adopted,

And the President appointed Messrs. Jaquess, Kinley, and Taggart said committee.

Mr. Church offered the following resolution:

Resolved, That the State Librarian be authorized to furnish stationery for the use of the Senate, and that the Door Keeper and each chairman of each committee, for the committee, be authorized to draw such stationery as he may need from the Librarian upon his own order, not exceeding in value the sum of ten dollars. That the President of the Senate and each Senator be authorized to draw therefrom, upon his own order, and for his use, such stationery as he may need, not exceeding in value forty dollars. That the Principal and Assistant Secretaries be authorized to draw from the State Librarian, upon their own orders, such stationery as they may need in their respective departments. That the Librarian shall keep an account of all such stationery, and three days before the adjournment of the General Assembly he shall make a report to the Senate showing the whole amount of stationery used during the session, the amount in value drawn by each Senator and officer of the Senate; and, for the purpose of carrying out the provisions of this resolution, the Librarian be authorized to employ a clerk.

Which was adopted.

Mr. Stein offered the following resolution :

Resolved, That a committee of two be appointed on the part of the Senate to join such committee as may be appointed on the part of the House to wait upon the Governor and inform his Excellency that the General Assembly of Indiana is duly organized, and is prepared to receive whatever messages he may desire to send or communicate to this General Assembly.

Which was adopted,

And the President appointed Messrs. Stein and Stork said committee.

Mr. Bellamy offered the following resolution :

Resolved, That the State Librarian be instructed to place upon the desk of each Senator one copy of the Statutes of Indiana, (Gavin & Hord,) the acts of the Regular Session of '65, Special Session of '65, and the Regular Session of '67 ; also, the Senate Journal and Brevier Reports of the last session.

Mr. Hooper offered the following amendment :

For the use of Senators during the session, and that at the close of the session each Senator shall deposit said books with the State Librarian, to be carefully kept by him for the use of the Senate at each future session.

Mr. Church moved to lay the amendment on the table.

Which was agreed to.

Mr. Wolcott moved to amend so that copies of the statutes be furnished to new members only.

Mr. Johnson, of Spencer, moved to lay the amendment on the table.

Which was agreed to.

The resolution was adopted.

A message from the House, by Mr. Nixon, Clerk thereof.

MR. PRESIDENT :

I am directed by the House of Representatives to inform the

Senate that the House has organized by the election of Hon. A. P. Stanton, of Marion, as Speaker, W. M. Merwin, of Putnam, Principal Clerk, John D. Hardesty, of Madison, Assistant Clerk, and Thomas C. McConn, of Wabash, Door-Keeper, and that the House is now ready to receive communications from the Senate.

On motion, by Mr. Robinson, of Madison, the Senate adjourned till 2 o'clock P. M.

THURSDAY, 2 O'CLOCK P. M.

The Senate met.

Leave of absence was granted to Mr. Case.

Mr. Johnson, of Montgomery, presented the following communication :

INDIANAPOLIS, January 7, 1869.

To the Senate of Indiana :

The undersigned respectfully represents that Aaron Houghton, now claiming to represent the Senatorial District of said State composed of the counties of Dubois, Martin and Pike, did, on or about the first day of May, 1867, vacate the said office of Senator by then and there accepting another office, to-wit : Assistant Assessor of Internal Revenue of the United States for Division No. 5 of the First Collection District of Indiana, and did then and there qualify as such Assistant Assessor, and from thence hath discharged the duties of said last named office.

And the undersigned further represents that at the general election in said State of Indiana, held on the 13th day of October, 1868, the undersigned was, by a majority of the qualified voters of said District, composed of said counties of Dubois, Martin and Pike, duly elected a Senator of said District, to fill the vacancy

caused by the vacation of said office of Senator by the said Houghton in manner aforesaid, as will appear by his certificate of election filed herewith. Wherefore he prays that he may be permitted to take his seat as said Senator.

W. H. MONTGOMERY.

STATE OF INDIANA, {
PIKE COUNTY. }

We, John Crow, Sheriff of Pike county, Henry Montel, Sheriff of Dubois county, and Reuben McCormac, Sheriff of Martin county, do hereby certify that we have compared the certificates delivered to us by the Clerks of Pike, Dubois and Martin counties of the election held on the 13th day of October, 1868, for the purpose of electing, among other officers, a Joint Representative in the State Senate for said counties of Pike, Dubois and Martin, and William H. Montgomery having received the largest number of votes, is duly elected State Senator for said counties of Pike, Dubois and Martin.

In witness whereof, we have hereunto set our hands this 21st day of October, 1868.

JOHN CROW, Sheriff Pike County.

REINHART RICH, Deputy Sheriff Dubois County.

WM. C. SANDERS, Deputy Sheriff Martin County.

Which was referred to the Committee on Judiciary.

Message from the House, by Mr. Merwin, Clerk thereof:

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the House has appointed Messrs. Buskirk, Coffroth, and Pierce of Porter, to act with a similar committee on the part of the Senate, to wait upon his Excellency, Conrad Baker, Acting Governor, and inform him of the organization of the General Assembly, and that the two Houses are now ready to receive communications from him.

The following communication was received from the Doorkeeper of the Senate:

MR. PRESIDENT :

The Doorkeeper of the Senate, in response to the resolution of

the Senate instructing him to lay upon the desk of each Senator the standing rules and orders of the last session of the Senate, respectfully reports that there are no editions of said rules in print.

J. F. FURNISH, *Doorkeeper*.

Mr. Jaquess, from the Select Committee on Standing Rules of the Senate, submitted the following report :

MR. PRESIDENT :

The Select Committee to whom was referred the subject of standing rules of the Senate report that they have had the same under investigation, and recommend the adoption of the original printed rules of the last session for the government of this, with the following amendments :

Add to rule 16 the following sentence : "But appearing afterward, he may, by permission, have his name called, and vote."

Add to rule 33 the following sentence : "The question pending on adjournment shall be resumed on re-assembling, unless otherwise ordered by the Senate."

In lieu of rule 37 insert the following : "All bills and joint resolutions, if not rejected on the first reading, shall be referred to a Standing or Select Committee, or a Committee of the Whole Senate. The reference shall be made by the President, unless otherwise ordered by the Senate."

In lieu of rule 38 insert the following rule : "When a bill or joint resolution is referred to a Committee of the Whole Senate, the Senate shall fix a day for its consideration."

This committee herewith files a copy of said original printed rules of the last session, and, subject to the foregoing amendments, recommend their adoption.

Which report was concurred in and amendments adopted,

And on motion, by Mr. Stein, it was ordered that five hundred copies be printed for the use of the Senate.

Mr. Jaquess offered the following resolution :

Resolved, That the Doorkeeper be instructed to contract for and place upon the desks of Senators three copies each of the Indianapolis *Daily Journal*, *State Sentinel*, *Commercial*, *Mirror*, and three

copies of the *Indiana Volksblatt* and *Daily Telegraph*—two copies of each to be suitably wrapped and stamped for mailing; *Provided*, the same will publish a correct report of the proceedings of the Legislature.

Mr. Church moved to amend the resolution by striking out “three” German newspapers and inserting “two.”

Which was agreed to.

Mr. Rice moved to amend by striking out all the newspapers except the *Journal*, *Sentinel*, and *Volksblatt*.

Which was not agreed to.

Mr. Hooper moved to amend by striking out all the newspapers except the *Journal* and the *Sentinel*.

Which was not agreed to.

Mr. Jaquess moved to amend so as to include the elective officers of the Senate.

Which was agreed to.

The question recurring upon the adoption of the resolution as amended,

It was adopted.

Mr. Hughes offered the following resolution :

Resolved, That the President of the Senate be and he hereby is requested and authorized to appoint the Standing Committees of the Senate, and to report the same as early as is practicable.

Mr. Church moved to postpone further consideration of the resolution until to-morrow at 2 o'clock P. M.

Mr. Stein moved to lay the resolution to postpone on the table.

The ayes and noes being demanded by Messrs. Church and Robinson,

Those who voted in the affirmative were,

Messrs. Bird, Bradley, Carson, Denbo, Henderson, Hooper, Houghton, Howk, Huffman, Hughes, Kinley, Laselle, Reynolds, Scott, and Stein—15.

Those who voted in the negative were,

Messrs. Andrews, Armstrong, Beardsley, Bellamy, Caven, Church, Elliott, Fisher, Fosdick, Gifford, Gray, Green, Hadley, Hamilton, Hess, Huey, Humphreys, Jaquess, Johnson of Spencer, Johnson of Montgomery, Lee, Morgan, Rice, Robinson of Madison, Robinson of Decatur, Smith, Taggart, Wolcott, and Wood—29.

So the motion to lay the resolution on the table did not prevail.

The question recurring upon the motion to postpone,

It was agreed to.

Mr. Fisher offered the following resolution :

Resolved, That the Librarian be directed to furnish each Senator with three dollars worth of postage stamps.

Which was adopted.

Mr. Stein, from a Joint Committee, made the following report :

MR. PRESIDENT :

The Joint Committee appointed to wait upon the Governor and inform him of the organization of both Houses of the General Assembly, etc., report that they have performed the duties of their appointment, and that his Excellency has designated to-morrow, at two o'clock P. M., as the time for delivering his message to the General Assembly.

On motion, by Mr. Armstrong, the Senate adjourned.

FRIDAY AFTERNOON, 2 o'clock, {
JANUARY 8, 1869. }

The Senate met.

A message from the House, by Mr. Merwin, Clerk thereof:

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the House has passed the following resolution, to-wit:

Resolved, That the Senate be invited to meet the House of Representatives in Joint Convention, in the Hall of the House, at two o'clock P. M. of to-day, to receive the biennial message of his Excellency, Hon. Conrad Baker, Acting Governor of the State.

SPECIAL ORDER.

The hour having arrived, the Senate proceeded to the consideration of the special order, being the resolution offered by Mr. Hughes, relating to the appointment of the Standing Committees of the Senate.

Mr. Hughes moved the previous question,

Which was not seconded by the Senate.

The question being on the adoption of the resolution,

Mr. Church moved to postpone its further consideration until next Tuesday at 2 o'clock P. M., and that it be made the special order for that hour.

The yeas and nays being demanded by Messrs. Hughes and Bellamy,

Those who voted in the affirmative were,

Messrs. Andrews, Armstrong, Beardsley, Bellamy, Case, Church, Denbo, Elliott, Gifford, Greene, Hadley, Hamilton, Hooper, Houghton, Howk, Huffman, Jaquess, Johnson of Spencer, Rice, Reynolds, Robinson of Decatur, Scott, Smith, and Wood—26.
S. J.—2.

Those who voted in the negative were,

Messrs. Bird, Bradley, Carson, Fisher, Henderson, Huey, Hughes,
Humphreys, Kinley, Lee, Morgan, Stein, Turner, Wolcott—14.

So the motion to postpone prevailed.

Mr. Jaquess, Chairman of a Select Committee, made the following report :

MR. PRESIDENT :

The committee to whom was referred a resolution to meet with a similar committee on the part of the House, to invite a minister of the gospel to open the General Assembly with prayer, have the pleasure to report that they have secured the services of Mr. Robt. Sloss, of the Third Presbyterian Church.

Which was concurred in.

On motion, by Mr. Church, the message from the House requesting the Senate to meet in Joint Convention, was taken up,

And the request of the House was concurred in.

Thereupon the Senate repaired to the Hall of the House of Representatives to receive the message of his Excellency, the Governor, the President of the Senate occupying the chair.

The Throne of Grace was addressed by Rev. Robert Sloss.

The Governor then delivered the following message to the two Houses of the General Assembly :

Gentlemen of the Senate and House of Representatives :

The people of Indiana, in ordaining their Constitution, expressed their gratitude to Almighty God for the free exercise of the right to choose their own form of government ; and may I not, in commencing the performance of the duty for which we are now assembled, invite you to join with me in ascriptions of praise and thanksgiving to the same Beneficent Father, for permitting us to meet under such auspicious circumstances, to engage for a season in the performance of duties pertaining to the practical execution of powers thus ordained.

The labors of the husbandman during the year that has just closed, have been rewarded with plentiful harvests, the health of our people has, in the main, been mercifully preserved, peace has dwelt within our gates, and a reasonable degree of prosperity within our homes; and although the wise and the good cannot fail to regret the existence of many evils in society, detrimental alike to individual and social prosperity, notwithstanding these evils, we may congratulate ourselves that the age in which we live is an age of progress, and that the mass of our people are gradually, but surely, advancing toward a higher and a better civilization.

“The unity of government which constitutes us one people,” so long threatened by rebellion and its sequences, would seem to be re-established on enduring foundations; and if we, and those who shall come after us, are faithful to the high trusts confided to us, we may well hope that our prosperity, State and National, will continue to remote generations of our posterity.

GOVERNOR JOSEPH A. WRIGHT.

Although it is a matter of which you are all cognizant, I would feel that I had failed to perform my duty, if I omitted officially to call your attention to the fact that since the adjournment of the last session of the General Assembly, one of the most distinguished of my predecessors, who for many years filled a large and honorable place in the political history of this State, and who enjoyed, in no common degree, the confidence and affections of its people, has departed this life. I allude, of course, to the late Joseph A. Wright. He died at Berlin, the Prussian seat of government, on the 11th day of May, 1867, being, at the time of his death, the accredited Minister of the United States to that Court. The high character, superior abilities, and long and honorable identification of Governor Wright with the public history of Indiana, suggests that the General Assembly should take such action, in view of his departure, as will assure the people, and especially the surviving members of his bereaved family, that his long, faithful, upright, and valuable public services are held in grateful remembrance. Before dismissing this subject, I desire to call your attention to the fact, that, with the single exception of the late Governor A. P. Willard, the State does not possess a portrait of one of its deceased executive officers. It seems to me that the State Library could receive no more appropriate adornment than would be

afforded by the likenesses of its early Governors who have passed from the scenes of earth.

STATE DEBT.

The State's outstanding indebtedness, for convenience of reference, may be appropriately classified as Foreign and Domestic. That which I shall in this communication, designate as the Foreign Debt, consists,

1. Of the two-and-a-half and five per cent. certificates of stock, issued under the adjustment made between the State and a majority of her creditors in pursuance of the legislation of 1846 and 1847, commonly called the "Butler Bill."

2. Of six per cent. bonds issued under the legislation of 1861, for war purposes and commonly called the "War Loan Bonds."

The Domestic Debt of the State is that which she owes to her educational institutions, and consists

1. Of the Vincennes University bonds.

2. Of the State's indebtedness to the Common School Fund, for moneys belonging to that fund and used by the State in the redemption of her two-and-a-half and five per cent. certificates of stock and for other State purposes. This indebtedness is included in four non-negotiable bonds of the State, executed by authority of law, and payable to the School Fund with interest at six per cent., payable semi-annually.

According to this classification, the Foreign Debt of the State was, on the 31st day of October, 1867, as stated in the Auditor's report of that date, as follows, viz :

Five per cent. certificates	\$3,754,236 33
Six per cent. War Loan Bonds.....	237,000 00
Total	3,991,236 33

The Domestic Debt of the State was, at the same date, October 31, 1867, as stated in the same report, as follows :

Vincennes University Bonds.....	\$65,585 00
School Fund Bonds.....	3,367,082 15
Total	3,432,667 15

In making an exhibit of the amount of the Foreign State Debt in the report alluded to, no two and a half per cent. certificates were reported as then outstanding.

As the holders of these had been notified to present them at the State Agency in New York for payment, and as the money was there for the redemption of all of them, they were treated by that report as redeemed. There was in point of fact, however, at the date of that report, and still is, as will hereafter be explained, a small balance of these two and a half per cent. certificates outstanding, but they have ceased to bear interest, as the money is in the treasury of the agency wherewith to redeem them, and the holders have been duly notified to present them.

In the report of the Auditor of State, for the fiscal year ending October 31, 1868, herewith respectfully submitted, the Foreign Debt of the State is thus stated, viz :

Five per cent. Certificates outstanding at the last	
named date	\$3,322,924 66
Six per cent. War Loan Bonds.....	210,000 00
Two and a half per cent. Certificates.....	7,260 13
	<hr/>
Total	3,540,184 79

This exhibit shows that there was a reduction during the fiscal year 1868 of the amount of the five per cent. certificates and war loan bonds outstanding of \$458,311 66; or deducting the two and a half per cent. certificates, amounting to \$7,260 13, not stated in the report of 1867, a net reduction of the foreign debt during the fiscal year 1868 of \$451,051 53.

Since the end of the fiscal year (October 31, 1868,) five per cent. stocks have been redeemed at par to the amount of \$455,795, and war loan bonds have been redeemed in like manner to the amount of \$3,000, making together \$458,795.

The foreign debt of the State, as it now stands, exclusive of the old internal improvement bonds, which will be subsequently mentioned, may be stated as follows, viz :

Five per cent. certificates.....	\$2,867,129 66
Two and a half per cent. certificates.....	7,260 13
War loan bonds.....	207,000 00
	<hr/>
Total	\$3,081,389 79

Towards the payment of this we have in the general treasury, belonging to the State Debt Sinking Fund, and exclusively applicable to that purpose the sum of \$247,091 72, and in the treasury of the agency at New York, \$43,200 97, making together \$290,292 69, and leaving the amount of five and two and a half per cent. certificates and war loan bonds unprovided for \$2,791,097 10, and being equivalent to a reduction of our foreign debt, since the commencement of the fiscal year 1868, of \$1,200,139 23, all of which was accomplished without contracting any new debt or liability by the process.

The domestic debt of the State, as stated in the Auditor's Report for the fiscal year ending October 31, 1868, is as follows, viz :

Non-negotiable bonds held by the School Fund.....	\$3,591,316 15
University bonds	63,585 00
	<hr/>
Total.....	\$3,654,901 15

This shows an increase in the domestic debt of the State during the fiscal year 1868 of \$222,234 00. This increase was occasioned by the issuing of two non-negotiable bonds to the School Fund :

One, dated May 1, 1868, for... ..	\$184,234 00
Another, of same date, for.....	40,000 00
	<hr/>
Making together.....	\$224,234 00

But from this gross increase is to be deducted \$2,000 on account of the reduction of the University bonds during the year, which leaves the net increase of the domestic debt at \$222,234 00, as before stated.

In his last message to the General Assembly, Governor Wright, in 1857, in recommending an abandonment of the old system by which the trust funds were loaned to individuals on mortgage security, and urging the adoption of the plan now being carried out, of investing these trust funds in the purchase of the five and two and a half per cent. certificates of stock, used the following language, viz :

"The present mode of investing the Sinking Fund is chiefly in mortgages upon real estate to our citizens. The facilities thus afforded for borrowing money, create a spirit of speculation, often terminating in bankruptcy and ruin to the borrower. The long list of lands forfeited to the Fund for non-payment of principal and interest, ad-

monishes us to seek for some other mode of investment which shall be equally safe and productive.

“I have repeatedly suggested, and now renew the recommendation, that the Sinking Fund Commissioners should be authorized to invest this fund, from time to time as it may accumulate in their hands, in the bonds of the State, under appropriate limitations as to principal and market value, thus changing the character of our obligations from a foreign to a domestic debt; the interest upon which, when collected from our people, shall immediately be reimbursed to them in the accomplishment of that high and most ennobling object of human government, the education of our youth. It is a high trust, and will be most truly performed when we shall connect the education of our children with the character, integrity and honor of the State.”

What Governor Wright so forcibly recommended has, to a considerable extent, been accomplished under the legislation inaugurated at the special session of the General Assembly in 1865; and it is hoped that it will not be abandoned to return to a system which experience has condemned.

The non-negotiable bonds which have been issued to the School Fund should be considered as a perpetual loan to the State. Instead of taxing the people to pay a debt which they virtually owe to themselves, in order that it may be lent on mortgage security to a chosen few, let it remain a loan to all for the benefit of all.

I have intentionally excluded from the two foregoing classes of the public debt, a comparatively small balance of old Internal Improvement bonds which the holders failed or refused to surrender under the “Butler Bill,” and upon which no interest has been paid since 1841, except as hereinafter stated.

Notwithstanding the fact that no interest has been paid since 1841 on these bonds, they have annually appeared in the reports of the Auditor of State as a part of the public indebtedness. From 1864 to 1867 inclusive, the amount of these bonds outstanding was stated at \$353,000. The bonds thus reported were each of the denomination of \$1,000, and consequently there were 353 in all. Eight of these bonds were held by the Board of Sinking Fund Commissioners in trust for the Common School Fund when that Board ceased to exist, and its effects were passed into the hands of the Auditor of State under the legislation adopted at the special session of 1865.

These eight bonds had been held by the Sinking Fund Commissioners for more than twenty-five years, and no interest had been paid

thereon subsequently to the year 1841. By the act of March 7, 1867, entitled "An act to consolidate certain bonds, stocks and accounts of the School Fund into one non-negotiable bond, and making other provisions in relation thereto," the validity of these eight bonds was recognized, and the principal and all the accrued interest thereon was included in the new non negotiable bond given by the State to the School Fund, in pursuance of the provisions of that act. This reduced the number of these old bonds to 345. Afterwards, in 1868, eight others of these bonds were surrendered to the Agent of State, and new 5 per cent State stocks were issued to the holders under the "Butler Bill," for one-half of the principal of the bonds so surrendered, and new $2\frac{1}{2}$ per cents were issued for one-half of the interest which had accrued up to the date of the surrender, thereby reducing the number of these bonds outstanding to 337.

At the time the State suspended the payment of interest on her indebtedness, in 1841, the General Government held 211 of these bonds in trust for certain Indian tribes. The State failed to pay any interest on the bonds so held by the Government after the year 1841; but the latter at different subsequent periods applied moneys to which the State became entitled from the sales of public lands within her limits (commonly called the 3 per cent. fund) amounting in the aggregate to \$108,208 59. This application of the 3 per cent. fund paid the interest on 141 of the bonds so held by the Government up to July 1, 1849, and on the remaining seventy up to July 1, 1855.

In April, 1868, one of our Senators in Congress, Hon. O. P. Morton, wrote to me that a bill had been introduced into the Senate which would be pressed to an early consideration, directing the Secretary of the Treasury to deduct from the amount that may be due to any State on account of War claims, the principal and interest of all bonds issued by such State and held by the Government; that this bill was especially intended to cover the old bonds of Indiana, which were purchased by the Government for Indian annuities. Senator Morton, in the same communication, desired me to state in reply what objections, if any, I had on behalf of the State to the passage of the bill. I promptly replied that, if any objections, legal or moral, could be urged to a proposition that the Government should retain out of adjusted claims which it owed to the State, a sum sufficient to liquidate the principal and interest due on any bonds held by the United States against the State, I was ignorant of the existence or nature of such objections. Subsequently, in July, 1868, the

Secretary of the Interior, in whose custody these bonds were held, filed two caveats with the Secretary of the Treasury, one in relation to 141 of these bonds, which had matured in 1857, requesting that payment be withheld from the State out of the balance found to be due to her for expenses incurred in the suppression of the rebellion, of such sum as would cover the face of the bonds, and such interest as might have accrued thereon; the other caveat was in relation to the remaining seventy bonds not matured, and requesting that the interest accrued thereon might be withheld in like manner. Copies of the caveats were communicated to me by the Secretary of the Treasury, and, in consequence thereof, I directed the Adjutant General of the State, who had previously been especially charged with the adjustment of our War claims against the Government, to proceed to Washington to obtain information as to these bonds, and also in regard to the amount of the 3 per cent. fund due to the State from the United States. The Adjutant General proceeded to the Capitol and performed the duty assigned him in a highly satisfactory manner, obtaining full information on both subjects, which was duly reported to me on his return.

Subsequently, on the 8th day of September, 1868, by my direction, the Adjutant General wrote to the Secretary of the Interior requesting that the proper steps might be taken for the settlement of the principal and interest due on these bonds, by the application of a sufficient amount of the allowed War claims of the State against the Government to that purpose. This letter remaining unanswered, I wrote myself to the assistant Secretary of the Interior on the 19th day of October, 1868, to the same effect. Copies of these letters are embodied in the Adjutant General's report herewith submitted. The result was that the Secretary of the Interior sent an agent to this city with the bonds so held by the Government, and on the fifth day of November, 1868, the 141 bonds past due, the principal thereof being \$141,000, and the accrued interest thereon being \$136,300, were surrendered to me with the attached coupons, and I deposited them in the vault of the Treasurer of State. The principal and interest of these 141 bonds amounted to \$277,300. Of the seventy remaining bonds not matured, the Secretary of the Interior could only produce sixty-nine, one having been lost or mislaid, but he had two of the coupons of the lost bond. The coupons of these last mentioned bonds, representing interest to the amount of \$46,625, were detached and surrendered to me and deposited with the Treasurer of State.

The total amount of principal and interest settled was \$323,925; and I requested in writing that the Secretary of the Treasury would transfer that amount out of the allowed War claims of this State against the Government to the credit of the Secretary of the Interior, in consideration of the surrender of said bonds and coupons. The Government still holds the sixty-nine bonds, the interest thereon being settled to July, 1, 1868; and the principal being not yet due. This leaves 196 of these old bonds still outstanding, 126 of them being in the hands of persons other than the Government, and one claimed by the Government being lost or mislaid.

It will remain for the General Assembly, in its wisdom, to determine what action, if any, shall be taken with reference to these old bonds. I would unhesitatingly recommend that provision be made for their adjustment, but for the apprehension that such action on your part might give encouragement to a combined effort which it is said will be made either at the present or at some future session of the General Assembly, to induce the State to take back the Wabash and Erie Canal, and impose upon the people of the State that half of the original debt which was extinguished, so far as the liability of the State is concerned, by the conveyance of the canal and its revenues, and some 800,000 acres of land, under the provisions of the "Butler Bill."

No such effort shall receive aid from any official action of mine, and I therefore refrain from making any recommendation as to these old internal improvement bonds still outstanding.

The adjustment made under the "Butler Bill" was, as between the State and the creditors who assented to the arrangement, a complete accord and satisfaction. One half of the debt was extinguished, and ceased to be a debt against the State, and was charged exclusively, with the assent of the creditors, upon the canal and its revenues. The old evidences of debt were surrendered and cancelled, and we issued new 5 per cent. certificates for one-half of the principal, and new $2\frac{1}{2}$ per cents. for one-half of the accrued interest; the canal was surrendered to the creditors by conveying it to trustees, a majority of whom were selected by them, and the certificates of canal stock issued at the same time for one-half of the debt on their face show that the creditors were to look exclusively to the canal for the redemption of these certificates, and not to the State. To acknowledge any liability on the part of the State for the payment of any part of this canal debt, would be to create a new debt for a purpose expressly inter-

dicted by the Constitution. The Constitution in terms declares that "no law shall authorize any debt to be contracted on behalf of the State, except in the following cases: to meet casual deficits in the revenue; to pay the interest on the State debt; to repel invasion, suppress insurrection, or if hostilities be threatened, to provide for the public defence."

In 1857 the General Assembly passed a joint resolution declaring that the General Assembly has no power under the Constitution to purchase the Wabash and Erie Canal, and that if it had the power, it would be impolitic, unwise and injurious to the best interests of the people of the State to purchase said canal. I respectfully recommend that the substance of this resolution be re-adopted at the present session. At the last session of the General Assembly, a joint resolution passed the Senate, but was not acted upon in the House, proposing an amendment to the Constitution declaring that the General Assembly shall never incur any debt or liability, or recognize any claim whatever, growing out of or connected with the Wabash and Erie Canal, or matters pertaining thereto, except as provided for in an act entitled "An act to provide for the funded debt of the State of Indiana, and for the completion of the Wabash and Erie Canal to Evansville," approved January 19, 1846, and the act supplemental thereto approved January 27, 1847; and that said acts should never be construed so as in any manner to create any liability or legal obligation on the part of the State to pay the canal debt, but that the proposed amendment should not be construed as affecting the rights of persons holding the obligations of the State, and who were not parties to the adjustment of the debt of the State as made by said acts of 1846 and 1847.

The principal of the entire debt of the State prior to the adjustment under the "Butler Bill" was over \$11,000,000, and the accrued interest then unpaid was over \$3,000,000. The one-half of the canal debt, including interest at five per cent., since the adjustment, would now amount to some \$15,000,000. If the assumption of this immense burden is to be proposed, let the proposition be made to the people themselves, who will have to bear it by submitting a constitutional amendment upon which they can vote.

REPORT OF STATE TREASURER.

The State Treasurer's Report will be laid before you, from which it will be seen that his department is in a very satisfactory condition.

ASSESSMENT AND TAXATION.

By the first section of the act of December 21, 1858, providing for the appraisement of real estate, the Board of County Commissioners of each county were required, at the first term after the passage of the act, or at a special session to be immediately called, to appoint an appraiser of real estate for such county. A proviso to the section declares that nothing in the section shall prevent the Board of Commissioners of any county from appointing a deputy or deputies to the Appraiser in case of sickness, want of time or other disability to discharge the duties in the time and manner required by law. The second section of the same act provides for the election of an Appraiser at the October election in 1863, and every fifth year thereafter. There is no provision in the act authorizing the Boards of Commissioners of the several counties to appoint deputies to the Appraisers that are to be elected in 1863, and every fifth year thereafter, unless the proviso to the first section confers that power. Appraisers were elected under this act at the late October election, and the Boards of Commissioners of many of the counties have already appointed deputies to the Appraisers thus elected. In answer to inquiries made by county officers, the Auditor of State has issued a circular to the several counties, in which he gives the opinion that the Boards of Commissioners have no power to appoint deputies to the Appraisers elected by the people; but that the proviso to the first section of the act only applied to the Appraisers appointed for the year 1858 by the Boards of Commissioners. I believe this opinion to be correct, and there seems to be no power conferred on the Appraiser himself to appoint deputies. As the Appraiser is required by the 13th section of the same act to return his appraisement to the County Auditor on or before the fourth Monday of May after his election, there will not be sufficient time for a single Appraiser to make the appraisement within the time limited. Some provision should be made for appointing assistant appraisers, or a law should be passed declaring that the present appraisement shall remain as the basis of taxation for another year, and giving the Appraiser elected in each county time to appraise personally all the real estate in his county. It is very important to have a uniform and just appraisement of real estate for taxation, and it is believed that this will be better attained by having one man to appraise all the real estate in a county than by having a multiplicity of Appraisers in each county.

The law as it now stands fixes the compensation of Appraisers of real estate at two dollars per day. It is worthy of consideration whether this is an adequate compensation under existing circumstances.

The act of March 15, 1867, entitled "An act to provide for the assessment and collection of taxes on shares of stock in banks, and banking associations doing business in this State," expressly exempts stock in the Bank of the State of Indiana and in National Banks from taxation for municipal purposes. I respectfully recommend that this section be repealed, and that an amendatory section be passed declaring that shares of stock in these exempted banks shall be taxable for municipal purposes like other property.

Banks are generally, if not always, located in incorporated towns or cities, and derive as much benefit and protection from municipal government as any other persons or institutions, and there is no justice in exempting them from their just share of municipal burdens. The stock of the National Banks doing business in this State can not be taxed for municipal purposes so long as that of the Bank of the State of Indiana is exempt, because the act of Congress requires it to be placed on an equal footing as to taxation with State Banking Institutions. It is true that the fifteenth section of the charter of the Bank of the State exempts its capital stock and that of its branches from municipal taxation, and it is equally true that the Supreme Court of this State, in 1858, declared this exemption to be constitutional. In the decision alluded to it was held that the provision of the Constitution which makes it the duty of the Legislature to "provide by law for a uniform and equal rate of assessment and taxation, and to prescribe such regulations as shall secure a just and equal valuation for taxation of all property, both real and personal," has no application to municipal taxation, but refers to the general levy by the State, and the reason given is that taxes for corporation, township and county purposes cannot be equal; that is, because a different rate of taxation is required in one municipal corporation, county or township than is demanded by the necessities of another, therefore the very just constitutional provision as to equality and uniformity of assessment and taxation of all property, has no application to county, township or municipal taxation.

The county, township and municipal taxes are many times greater than the aggregate amount of the taxes imposed directly by the State; and the result of this construction is, that the Constitution has care-

fully guarded the smaller interest, but has left the larger unprotected and a mere matter of legislative discretion.

In 1866, however, the decision of the Supreme Court before alluded to was virtually overruled by the same tribunal; and following the interpretation given by the Supreme Courts of Ohio and Wisconsin to similar constitutional provisions, the just principle was established that the constitutional restriction applies to every species of taxation imposed under or in pursuance of State law; not requiring that the same rate of taxation shall be imposed in one county or city that is assessed in another county or city, but that the rate of assessment shall be equal and uniform on all property, real and personal, within the jurisdiction or territory in which the tax is levied.

If the tax be a State tax, it must be uniform and equal on all property in all parts of the State. If it be a county, township or city tax, it must be uniform and equal on all property throughout the county, township or city in which the levy is made.

This just and reasonable interpretation of the Constitution removes all obstacles in the way of an equal taxation of bank stocks with other property. In the larger towns and cities municipal taxation is necessarily onerous, and by exempting large amounts of banking capital, (than which no other property can better afford to pay taxes,) the burdens imposed for the benefit of all, are made to fall unjustly on other property and capital not thus favored.

For the years 1867 and 1868, the tax placed upon the duplicate for State Debt Sinking Fund purposes was twenty cents on each one hundred dollars in value of taxable property, and the collections for those years were made accordingly. The correctness of this levy depends upon the construction of three separate and distinct acts of the General Assembly, and, in my judgment, a correct construction of these acts only authorized fifteen cents on each one hundred dollars in value of taxable property. The acts upon which this question depends are those of March 9th, 1861, entitled "An act in relation to applying certain funds therein named to the payment of the public debt, and raising a revenue for the support of Common Schools," etc.; the act of May 13, 1861, authorizing the issue of war loan bonds, and the State Debt bill of Dec. 21, 1865. The act first named authorizes a five cent tax for the reduction and ultimate extinction of the public debt. The act of May 13, 1861, authorizes a five cent tax for the payment of the interest and final payment of the principal of the war loan bonds, and the act last above mentioned authorizes a ten

cent tax for the redemption of the five and two and a half per cent. certificates of State stock outstanding. I think the five cent tax authorized by the act of March 9, 1861, was merged in and repealed by the ten cent tax levied by the State Debt bill of Dec. 21, 1865, and left the rate of taxation at fifteen cents on each one hundred dollars in value of taxable property for State Debt Sinking Fund purposes.

I have caused estimates to be made, and am satisfied that a State Debt Sinking Fund tax of fifteen cents on the hundred dollars for the year 1869, and a tax of ten cents on the hundred dollars, for the same purpose, for the year 1870, will be sufficient, with the aid of the Sinking Fund assets in the hands of the Auditor of State, to pay off all the foreign indebtedness of the State with the exception of the old internal improvement bonds, and thereafter no taxes for Sinking Fund purposes will be required. I therefore recommend that these rates be established for the years above mentioned, respectively, for State Debt Sinking Fund purposes, and that the levy of twenty cents on the one hundred dollars of value, for the same purpose for the years 1867 and 1868, be legalized, to the end that there may be no question as to the collection of the unpaid taxes for those years. Unless your appropriations shall exceed what I now anticipate, the State tax proper can also be reduced to fifteen cents on each one hundred dollars of taxable property. If the Committee of Ways and Means, or any other Committee, or member of either branch of the General Assembly, shall desire to inspect the estimates upon which I base the opinion as to the rates of taxation necessary for State Debt Sinking Fund, and for general revenue purposes, it will afford me pleasure to furnish them.

WAR CLAIMS AGAINST THE UNITED STATES.

It will be seen by reference to the Adjutant General's report that since the commencement of the war, claims against the United States have been filed, at different times, as follows, viz :

In the office of the Third Auditor of the Treasury
claims were filed for advances in raising, organizing,
equipping, subsisting, arming and transporting vol-
unteers, amounting to.....\$3,049,134 17

In the office of the Second Auditor of the Treasury
claims were filed as follows, viz :

1st. For ammunition furnished by the Indianapolis

Arsenal, established and carried on by Governor Morton.....		781,652 34
2d. For expenses of taking care of and repairing United States arms.....		23,916 68
3d. For pay of Indiana Legion, paid by the State through State Paymaster.....		518,948 13
Making in all the large sum of.....		<u>\$4,373,651 32</u>

Of the above amounts, the second item of \$781,652 34 had been fully settled and adjusted by Governor Morton during his administration. The third item above stated, of \$23,916 68, was audited in the fall of 1867, and \$23,859 28 allowed thereon, which last named sum was received by me December 26, 1867, and then paid into the State Treasury.

After deducting the sums thus adjusted, there still remained pending claims amounting in the aggregate to \$3,568,082 30. The greater portion of the claims going to make up this amount were suspended, and some of them had been disallowed. The Adjutant General of the State did everything in his power to supply the lacking proof and explain away the objections upon which the various accounts had been suspended, and to procure a proper and final adjustment of the claims. By my direction he made several trips to Washington, and was seconded in his efforts by the personal influence and exertions of Senator Morton. I was determined, if possible, to have the claims prosecuted and adjusted without employing an agent resident at Washington, and promising or paying him a per centum, as I was informed other States were compelled to do. Ultimately, I was advised by Senator Morton, Adjutant General Ferrell and others, that unless I yielded in this respect, the prospect of getting the claims adjudicated was very remote. I thereupon consented that the Adjutant General might employ such an agent, at a compensation not exceeding two per cent. on the amount which should be allowed to and realized by the State through his efforts; but that no part of this per centum should be paid until it should be acted upon and the arrangement approved by the General Assembly. The Adjutant General made a written contract with Mr. J. A. Coburn, in pursuance of this authority from me, to the effect above stated. I promised to report the arrangement to the General Assembly and recommend its approval, which I now do; but I desire it to be distinctly understood that the whole matter is open to your investigation, and must be decided

by you. I have paid Mr. Coburn \$1,250 to meet his expenses while engaged in this service, which sum is to be deducted out of the per centum you may allow him.

The Government held large claims against the State, upon which interest was accruing, while our unliquidated claims against the Government drew no interest, hence my great desire for a speedy adjustment of the accounts. The written agreement made with Mr. Coburn is embodied in the Adjutant General's report, to which I refer you for full information on that subject.

Since the making of this arrangement, and through the efforts of the agent so employed, allowances have been made to the State, on claims which had previously been suspended, disallowed, or not examined, to the amount of \$1,653,497 95; and prior thereto, claims had been allowed amounting to \$305,719 99, the aggregate of the amounts allowed being \$1,958,917 94. Of this I received on the 4th day of December, 1868, the sum of \$91,730 39, which I paid into the Treasury of State on the same day, and the residue of the amount so allowed, viz., \$1,867,187 55, was applied as follows, viz:

Advanced to the State by the United States in 1861...	\$450,000 00
Paid into the Treasury of the State by Quartermaster General Ekin.....	198,128 14
Advanced to the State by the United States in 1863...	133,302 91
Balance of direct tax of 1862.....	700,442 43
Paid by United States mustering officer in 1863-4.....	60,500 47
141 bonds of the State surrendered.....	141,000 00
Interest thereon to November 1, 1868.....	136,300 00
Interest on \$69,000, other bonds (not yet due) to July 1, 1868.....	46,575 00
Two coupons of lost bond.....	50 00
Allowance on account of 100 day men not yet paid because of deficit in appropriation.....	888 60
Total	<u>\$1,867,187 55</u>

And for a fuller exhibit of the condition of our war claims I refer you to a detailed statement which I have prepared and will submit with this communication as an appendix thereto.

NEW BUILDING FOR SUPREME COURT, STATE OFFICES, ETC.

By the act of March 9, 1867, the Governor was authorized to cause to be erected on ground belonging to the State, a building suitable
S. J.—3.

and convenient for the use of the Supreme Court and officers of State, at a cost not exceeding fifty thousand dollars.

Shortly after the adjournment of the last General Assembly, a consultation was had between the Judges of the Supreme Court, State officers and myself, with reference to the dimensions of the proposed building, and the number and arrangement of the several apartments; and the plan adopted was conformed to their wishes in these respects. Specifications were prepared, printed, and extensively circulated so as to induce competition in bidding for the contract, and sealed proposals were invited by advertisements.

There were quite a number of bids made, and the work was awarded to the lowest bidder at a price considerably below the limit fixed by the act before alluded to. My best efforts were made to observe literally the limitation imposed as to cost, and at the same time secure such a building as the wants of the public service required, and as would not be a reproach to the State in architectural appearance.

With the greatest possible care and the most rigid economy, owing to necessary changes in the original plan, and additional accommodations which were not thought of when the specifications were prepared, I was compelled to expend \$2,101 55 more than the sum named in the act, and to leave the Supreme Court room in an unfinished condition. It will require a small appropriation to finish this room, and there should be provided a stone platform with iron railing, in front of the offices on Washington and Tennessee streets.

I trust you will cause the building to be examined by the appropriate committees, feeling assured that you will find that the money was prudently expended, and that the building is well adapted to the purpose contemplated by the General Assembly. I have prepared a detailed statement of the moneys received and disbursed in the erection of the building, which I will submit with the contracts and vouchers, and such explanations as may be necessary, to the committees to whom the subject matter may be referred.

The act authorizing the erection of the building appropriated the sum of \$40,000 to be provided by a loan of that sum out of the Sinking Fund. No provision was made for the obtaining of the money necessary to carry out the intention of the act beyond the \$40,000 thus appropriated.

I was fully convinced that sound economy, and the safety of the public records, required that the building should be erected with the least practicable delay; and as this could not be accomplished without the

necessary pecuniary means, the whole sum expended, namely, \$52,101 55, was advanced by the Auditor of State out of the Sinking Fund, and a bond was given to that fund for the sum of \$40,000 (part of the sum so advanced,) in pursuance of the requirements of the act. I respectfully recommend that an appropriation be made from the State Treasury of the entire amount so advanced, and that it be repaid to the Sinking Fund without delay, and that the forty thousand dollar bond given to that fund be cancelled. There is nothing in the condition of the treasury, present or prospective, to prevent such an appropriation; and although the matter escaped my notice when the bill was presented for approval, and was, I suppose, also overlooked by the General Assembly in passing the bill, still it is essentially a law, authorizing a debt to be contracted on behalf of the State, and that debt is not for one of the purposes authorized by the Constitution. The Constitution declares that no law shall authorize any debt to be contracted on behalf of the State except in the following cases, viz: To meet a casual deficit in the revenue; to pay the interest on the State debt; to repel invasion, suppress insurrection, or if hostilities be threatened, to provide for the public defense. I, therefore, trust that the debt thus inadvertently authorized contrary to an inhibition of the Constitution, will be speedily liquidated by the necessary appropriation. It may be proper to add in this connection that the building has been occupied by the State officers and Judges of the Supreme Court since January, 1868.

MORGAN RAID COMMISSION.

The General Assembly, near the close of its last session, passed a concurrent resolution after a bill somewhat similar in its nature had failed, directing the Governor to appoint three Commissioners, whose duty it should be to hear, determine, and adjust all claims for losses which had heretofore accrued by reason of the injury, destruction, loss, or impressment of property had or held by any inhabitant of this State by rebel forces under the command of John Morgan, in the year 1863, or caused by the State or national forces engaged in repelling said invasion, or caused by organized and equipped troops to repel the threatened invasion of the State by the rebel forces under Adam Johnson in the year 1864. The resolution also directed the Governor to appoint an attorney who should be present at all the meetings of the Commissioners, to act as the attorney of the State, and look after and protect her interests. Although this resolution

had not the force and effect of law, it was such a positive and unmistakable expression of the will of the General Assembly that I felt it to be my duty to respect it by a cheerful compliance with its requirements. I accordingly, on the 28th day March, 1867, appointed Hon. John I. Morrison, of Marion county, Colonel John McCrea, of Monroe county, and Colonel Smith Vawter, of Jennings county, Commissioners, for the purpose indicated in the resolution. I also appointed Colonel Charles W. Chapman, of Kosciusko county, Attorney for the State under the resolution. Colonel Chapman resigned the position about the time the Commission entered upon its labors, and I appointed General Thomas M. Brown, of Randolph county, Attorney for the State in his stead. The Commission was authorized by the resolution to appoint their own Clerk, and they did appoint William F. Browning, Esq., of Monroe county, to that position. After the Commission had entered upon its labors, it was ascertained by experience that its operations would be much delayed, and the expenses enhanced, unless additional clerical force was employed. I advised the Commission to employ an assistant clerk, and they accordingly employed G. W. C. Self, Esq., in that capacity. The Commissioners, attorney, and clerks thus appointed, have, as I believe, all faithfully, intelligently and honestly performed their duties.

According to the requirements of the resolution, the Commissioners have made a report to me of their proceedings under the resolution, and also a supplement to that report. I herewith submit both of these reports to you for such action as you in your wisdom may deem proper to be taken thereon.

I also submit a copy of the resolution under which the Commission was organized. All the records, books, and papers, pertaining to the Commission are in my possession, and will be submitted to any committee or committees that either or both branches of the Legislature may appoint to consider the subject.

It will be seen by the reports that the sum total of all the claims presented to the Commission for adjudication was \$497,399 21-100, and that the sum total of all the claims approved and allowed amounts to the sum of \$413,599 48-100.

My own opinion as to the propriety of the State affording some proper relief to the sufferers by the "Morgan Raid" has long since been publicly expressed in the performance of my official duties. I have subsequently discovered no good reason to change that opinion. I adopt the language of my immediate predecessor on this subject,

addressed to the General Assembly of 1865, by saying that "the true theory of our government is that it shall protect the people in their persons and property against invasion and loss from the public enemy, or injury by domestic insurrection. Where losses have been thus sustained, it is much easier for the people of the State to bear them in their collective capacity than for the particular individual on whom they have fallen."

Some of the classes of claims may be less meritorious than others, and some of the claimants may deserve less consideration than others. It will be seen that some of the claimants are corporations, and in my judgment an appeal from them for relief would come with much less force than one from a natural person, all of whose possessions had perhaps been swept away by the public enemy. I submit the whole matter to you, with the expression of the hope that you will give the claims of the sufferers a careful, and as far as you may deem consistent with your duty to the public, a favorable consideration. The resolution further directs that the Governor shall recommend the amount of compensation that shall be paid to the Commissioners and other officials for their services in carrying out the resolution. I accordingly recommend that the per diem and mileage allowed by law to members of the General Assembly be made the measure of compensation. No appropriation was made for record books, stationery, etc., for the use of the Commission, and the Commissioners were compelled to borrow money with which to purchase these necessities. I submit an account of the money thus expended, and recommend that it be reimbursed. As the gentlemen appointed rendered the services by direction of the General Assembly, and while performing it defrayed their own expenses, I trust there will be no unnecessary delay in refunding the money expended, and in providing for the payment of such reasonable compensation as you may, in your judgment think proper to award. The Commissioners have embodied in their reports a statement of fees claimed by clerks, sheriffs and printers for services rendered under the resolution. It may be proper in this connection to state that the sixth clause or specification of the resolution provides that the State shall in no event be liable for the cost of witnesses summoned on behalf of the claimants, nor for the cost of summoning such witnesses. It may be that these costs were all made by the State, but it is not so stated in the report.

SOLDIERS' AND SEAMENS' HOME.

The Soldiers' and Seamens' Home near Knightstown, which was adopted as one of the Benevolent Institutions of the State by the last General Assembly, is in successful operation, and has already accomplished great good in ministering to the necessities of a class of men who have done and suffered much for their country. The report of the Board of Trustees of that institution is herewith respectfully submitted, to which you are referred for a full history of its operations. The fifty acre tract of land on which the Home is situated was purchased prior to the adoption of the institution by the Legislature, with the voluntary contributions of the people. Since the adjournment of the last General Assembly the land has been conveyed to the Board of Trustees, created by the act of last session. It will be seen by the report of the Superintendent accompanying that of the Board of Trustees, that, since the establishment of the Institution, four hundred men, disabled either in the military or naval service of the country, have received the benefits of the Home; that two hundred and twenty-one of that number, after a temporary sojourn at the Home, were discharged in an improved condition; that thirty-one have died, and that one hundred and forty-eight still remain in the Institution. The Board of Trustees have erected a beautiful brick edifice, capable of accommodating about two hundred men, and have devoted the old frame buildings which were on the farm at the time of its purchase to the use of the Orphans Department, in which are gathered eighty-six children of deceased soldiers. Many of these children were taken from the Poor Houses of the different counties; and all of them would have suffered for food, raiment and mental and moral culture, but for the guardian care which the State exercised over them in providing this institution.

I feel assured that no effort on my part is necessary to secure from you ample provision for these disabled soldiers and orphan children.

BENEVOLENT INSTITUTIONS.

Common humanity, as well as the requirements of the Constitution, demand that the Institutions for the Education of the Blind, and the Deaf and Dumb, and the Hospital for the Insane, should be liberally supported.

When the new wing of the Hospital for the Insane, now nearly completed, shall have been finished and prepared for the reception of

inmates, the capacity of the institution will be nearly, if not quite doubled, and many in all parts of the State, who are now suffering for want of proper care and treatment, may be relieved. The Board of Trustees represent in their report that the provision made for the subsistence of the inmates is not adequate to their wants. Believing that upon a careful examination of their report and accompanying tables, you will be satisfied that their request for increased liberality on the part of the General Assembly is entirely reasonable, I feel assured that you will not hesitate to make such increased provision as the wants of the institution may justly require.

The Board of Trustees of the Institution for the education of the Deaf and Dumb, as well as that for the education of the Blind, ask appropriations for the enlargement of their respective Institutions. At the time of the establishment of these Institutions, the State contained a much smaller population than it now does; and we must not forget that the number of those who need the training which such institutions can alone impart, will increase with our population, and we should be prepared with additional accommodations commensurate with the number which may from time to time be entitled to admission. For a statement of the condition and wants of these benevolent institutions, I refer you to the reports of their respective Boards of Trustees, and recommend that every reasonable demand made by those under whose care they are placed may be promptly and liberally supplied.

HOUSE OF REFUGE.

At the last session of the General Assembly a successful effort was made for the first time to execute the mandate of the Constitution requiring the law making power to provide Houses of Refuge for the correction and reformation of juvenile offenders.

The third section of the act then passed made it my duty to select and establish a site for the Institution, and authorized the procurement for that purpose, by donation or purchase, in the name of the State, of not less than eighty nor more than three hundred and twenty acres of land, giving preference, other things being equal, to a location central and easy of access from all parts of the State.

Shortly after the adjournment of the Legislature, persons interested in the matter, were invited by public advertisement, to make propositions for the donation or sale of lands which they might judge to be suitable for the site of such an Institution. Numerous proposi-

tions to sell lands to the State were received, but no donations were offered. I examined either personally or through a competent agent about thirty farms at different points, with a view to the selection of the best site for the Institution, and ultimately purchased two adjacent tracts of land in Hendricks county, near the town of Plainfield, for that purpose. The two tracts contain, together, two hundred and twenty-one acres. The purchase was made in June, 1867, and in the same month I deposited in the office of the Secretary of State a certificate of the location of the institution, together with the deeds of conveyance by which the lands were conveyed to the State. One of the tracts, consisting of one hundred and sixty acres, of upland, was purchased from Robert R. Downard for twelve thousand eight hundred dollars (\$12,800). The other, consisting of sixty one acres and a fraction of superior creek bottom land, was purchased from John Larrance for the sum of eight thousand five hundred dollars (\$8,500), making the entire cost \$21,300.

By the 25th section of the act to establish the institution, the sum of fifty thousand dollars was appropriated, to be paid out of the State Treasury to the Board of Control of the institution in such sums and at such times as might be deemed necessary and proper. By the 26th section of the act, the Governor and Board of Control of the institution were authorized to sell a tract of land owned by the State, and described in that section, containing one hundred acres, for cash or on credit, and apply the proceeds thereof towards the purchase of other grounds and the erection of suitable buildings for the institution. From what has already been said it will be seen that it was made my duty to locate the Institution, and to procure the necessary land by purchase or donation, but no means were placed at my control except such as might arise from the sale of the one hundred acres of land belonging to the State, and authorized to be sold as before stated. As it was manifest that with the most prudent management and the most rigid economy, the \$50,000 appropriated would not be sufficient to erect the necessary buildings, furnish them and defray the current expenses of the Institution until the meeting of the present General Assembly, I borrowed, temporarily, from the Board of Control \$12,000, to enable me to make the advance payment on the land. Of this \$12,000, I paid to Mr. Downard \$7,000, in part payment of the land purchased from him, and agreed that the State would pay him the balance of the purchase money, viz., \$5,800, (with interest from the date of the purchase,) on or before February

20, 1869; and for the security of the payment of this amount a lien was reserved in the deed from Downard to the State. The residue of the \$12,000 thus borrowed from the Board of Control, viz., \$5,000, I paid to Mr. Larrance in payment of the cash portion of the price of the land purchased from him, and I agreed that the State would pay him the remainder of the purchase money, viz., \$3,500, (with interest from the date of the purchase,) on or before the 20th day of February, 1869.

Diligent efforts were made to sell the hundred acre tract of land before mentioned, but only two offers were made therefor. One of these offers was so much below the real value of the land that it could not be entertained. The other offer of \$7,500 was believed to be the fair value of the land. It was made by Mr. William McCaslin, of Marion county, but he did not propose to pay any part of the price in cash. His proposition was to pay one-third of the purchase money, with interest, on the 15th of October, 1867; another third, with interest, on the 27th day of May, 1868, and the remaining third, with interest, on the 27th day of May, 1869, and to secure the whole by a mortgage on other lands, with a stipulation in the note and mortgage that a failure to pay any instalment when due should render the whole due and payable. With the concurrence of the Board of Control of the House of Refuge, I accepted Mr. McCaslin's proposition, gave him a certificate of purchase, showing that he would be entitled to a deed from the State upon full payment of the purchase money. The first and second instalments of the purchase money having become due, and not having been paid, proceedings were commenced and are now pending for the foreclosure of the mortgage.

Prior to the location of the House of Refuge, a portion of the people of Plainfield and its vicinity proposed to raise by subscription a considerable sum of money to be donated to the State to aid in paying for the land to be purchased for the site, provided the Institution should be established in that neighborhood. These subscriptions amounted in the aggregate to \$7,379, and were payable in three equal annual instalments on the 25th of December, 1867, 1868, and 1869, respectively. Of the amount so subscribed, notes were taken from a portion of the subscribers, payable in instalments as before stated, to the amount of \$5,595, and the residue still stands on the original subscriptions except so far as subsequently reduced by payments. On the subscriptions and notes thus taken, there has been collected and paid into the State Treasury the sum of \$1,293 88. The further sum

of \$491 95 has been satisfied by work and materials and live stock furnished by subscribers for the House of Refuge and the farm, making the total sum collected on notes and subscriptions \$1,785 83. It is believed that when all is collected that can be collected, the State will, with the collections already made, realize from these notes and subscriptions at least \$6,000. If this estimate shall prove to be correct, and the price of the one hundred acre tract of land sold, as before mentioned, shall also be collected, as it assuredly will, the two hundred and twenty-one acres on which the House of Refuge is located will only have cost the State \$7,800, over and above the proceeds of the sale of the one hundred acre tract. In the month of October last, I repaid to the Board of Control the \$12,000 so borrowed from them; and to do so I was compelled to borrow that amount in another quarter. I respectfully ask that an appropriation be immediately made to enable me to refund the money thus borrowed; and also an appropriation sufficient to pay the balance of the purchase money, with interest, due to Downard and Larrance respectively.

It affords me pleasure to say that the success of the House of Refuge has exceeded my most sanguine expectations. I respectfully refer you to the report of the Board of Control for a history of its operations, and commend the institution to your fostering care, with the expression of a confident belief that, in liberally providing for its enlargement and support, you will be practicing a wise economy and meeting the expectations of an enlightened constituency.

I am fully persuaded that, in the execution of our penal laws too little attention has been given to the reformation of offenders; and the juvenile delinquents of a community afford not only a hope, but, in a large majority of cases, an assurance of success in the exercise of reformatory influences and treatment. It will be seen by the report of the Board of Control, that of the \$50,000 appropriated for the establishment of the institution, and for defraying the current expenses thereof, the sum of \$39,261 25 was expended in buildings and other necessary improvements; that the expenses of the institution since it was opened, in January, 1868, including furniture, stock and implements for the farm, and the clothing and support of the boys, &c., &c., amount to the sum of \$20,738 45; and that the Commissioners were compelled, to enable them to keep the institution in operation, to make a loan of \$10,000.

I am fully satisfied that the affairs of the Institution have been wisely and economically managed, and that the loan was unavoidable;

and it is due to the Commissioners to say that it was made with my approval, and that I personally bound myself jointly with the Commissioners in an obligation to repay the same. I recommend that an appropriation be made without delay to enable the Commissioners to repay the sum so borrowed.

BANK OF THE STATE OF INDIANA.

I herewith submit the Report of the Board of Directors of the Bank of the State of Indiana, and of each branch thereof made in pursuance of the sixtieth section of the charter of that institution :

QUARTER MASTER GENERAL'S REPORT.

At the last session of the General Assembly Governor Morton submitted, as one of the documents accompanying his message, the final report of Quarter Master General Stone. The report gives an account of the disbursement of hundreds of thousands of dollars, besides other important matters relative to the part taken by this State in the suppression of the rebellion. The report was not published with the other reports accompanying that message, whether intentionally or by mistake I do not know.

Believing that the report ought to be published, I have thought it best to call your attention to the matter. The report is in my possession, and will be furnished should you see proper to order its publication.

I herewith respectfully submit the report of the present Quarter Master General, to which you are referred for information in regard to his Department.

STATE PAYMASTER.

By the twenty third section of the General Appropriation bill of March 11, 1867, Major Stearns Fisher, State Paymaster, was directed to pay over to the State Treasurer, on the 15th day of June of the same year, any balance of money in his hands belonging to the State, and to deposit in the office of the Adjutant General all books, papers and property in his possession belonging to the State or connected with the pay department. This direction was strictly complied with by Major Fisher at the time designated, and a copy of his report to the State Treasurer for final settlement of his accounts as Paymaster of the Indiana Legion was communicated to me. Supposing that this

report should, as an item in the financial and military history of the State, be printed either in the Documentary Journal, or in some other form, the same is herewith respectfully submitted.

STATE PRISONS.

The reports of the Boards of Directors of both the State Prisons show that the finances of these institutions are in a satisfactory condition, and that there has been a great improvement in this respect within the last two years.

The subject of prisons and prison discipline is one of great importance, and is attracting increased attention throughout the country. It will not be many years before the State will require additional prison accommodations, and in anticipation of that event I desire to call attention to the propriety and necessity of providing a system of graded prisons. The man who is convicted of the first offense of which he has been guilty, especially if he be a young man, ought not to be confined with and put under the influence and tuition of professional criminals whose entire lives have been hardened by crime.

There should, when increased prison accommodations are required, be established an intermediate prison, between the House of Refuge and the present State Prisons, to which the more youthful and less hardened offenders should be sent, and where reformatory influences would be exerted over the prisoners to a much greater extent than is possible in our existing penitentiaries. Under such a system, and with power lodged somewhere to transfer incorrigible prisoners from the intermediate prison to the penitentiaries, and with authority also to transfer prisoners who, by their good conduct for a series of years, give evidence of reformation, from the penitentiary to the intermediate prison, we might hope more effectually to comply with that provision of the bill of rights which declares that the penal code shall be founded on the principles of reformation and not of vindictive justice. There is, however, a present and pressing necessity for a separate prison for female convicts. There are now some nineteen or twenty women incarcerated in the Southern Prison, to the great detriment of sound morality as well as the good government of the institution. Moral, sanitary and disciplinary considerations concur in demanding that these women, as speedily as possible, should be removed to a prison to be provided exclusively for their sex, and to be under the government of women. Their labor is, under existing circumstances, of no value to the State, and the cells now occupied by them will

soon be required for male convicts. Another want equally pressing, is that of a Reformatory institution for girls. It is impossible to receive girls in the House of Refuge at Plainfield without destroying its reformatory character, and converting it into a juvenile prison, I therefore urgently recommend that a separate prison for female convicts be established with the least practicable delay, and that there be connected with it on the same grounds and under the same direction and management, but in different buildings, a reformatory for girls. The number of female convicts, as compared with the other sex, is not large, so that an Institution of very moderate capacity would meet the necessities of the case, and the expense which would be occasioned by providing such an Institution would be abundantly compensated by the good which would be accomplished as well as by the evil that would be avoided. I have no sympathy with those who think that crime when committed by woman ought not to be punished; but only insist that the punishment should be adapted to the condition of the offender, and that the laws of common morality and decency ought not to be ignored in its infliction. The fact that it is so difficult to convict women of penitentiary offences, shows that the public sense of justice and propriety revolts at the idea of sending them to the State Prisons, and I know of only one other worse place to which a woman could be sent and that is to the County jail in any of the larger towns or cities of the State. I commend the subject to your careful consideration, with the expression of the hope that the result of your deliberations will show that the cause of these unfortunate women has not been presented in vain.

CRIMINAL LAW AND PRACTICE.

The barbarous and brutalizing practice of prize-fighting is becoming lamentably prevalent in this country, and our own State has not been entirely free from such disgraceful and demoralizing exhibitions.

Our penal code contains no adequate provisions, either preventive or punitive applicable to such cases. I therefore recommend that both of these omissions be supplied by proper legislation, providing upon proper affidavit for the arrest and holding to bail of those intending and preparing to engage in such contests; also, by making it a felony on the part of the principals and seconds who may engage in a prize fight, and a high misdemeanor on the part of those who, by their presence, may encourage the commission of the offence.

The 35th section of the act of June 10, 1852, entitled "An act

defining felonies and prescribing punishment therefor," should be amended. That section makes it forgery on the part of any justice of the peace to issue blank affidavits or certificates of acknowledgment signed by him with the intent that such blanks shall afterwards be filled up and used as affidavits or certificates of acknowledgment. It would be difficult to assign a good reason why this statute should be confined to justices of the peace, or why it should not extend to notaries and all other officers empowered to administer oaths or take and certify acknowledgments.

The section should also be enlarged so as to embrace within its scope other fraudulent acts of a similar character, not now provided for, viz: Issuing affidavits filled up and certified as having been sworn to, when, in point of fact, the person named in the affidavit as the affiant, never was sworn at all; also, issuing affidavits purporting to be subscribed and sworn to by persons therein named, when the pretended affiants are fictitious persons. It is said that frauds of the character just indicated, have been committed in issuing affidavits under the Registry Law of 1867. Whether this is true or not, it is manifest that they are as likely to occur as those guarded against by the section mentioned in its present shape.

The reputation of the State has been seriously injured since the last session of the General Assembly, in repeated instances, by the execution of prisoners, accused of crime, by mob violence. Within the time mentioned more than a dozen of persons have thus suffered death at the hands of organized bands of men, not acting under the impulse of momentary passion, occasioned by some outrage just discovered, but proceeding with a deliberate determination that evinced a purpose to permit no law, human or divine, to stand in the way of the accomplishment of their object. In all these cases the persons executed were taken by violence from the custody of the officers of the law by whom they were held for trial for offences with which they were charged. The pretext set up as an excuse for resorting to such violence is that the law is powerless to punish offences in certain districts, and that the officers of the law have proved to be unfaithful in the performance of their duties; and yet the men who assume to sit in judgment upon the law and its officers, and who enforce their own uncontrolled and irresponsible will as something above and superior to the laws of the State, do not hesitate to shoot down a sworn officer of the law, engaged in the faithful performance of his duty, when

such a murderous proceeding is necessary to the furtherance of their designs, or to prevent their discovery and prosecution.

Whenever I have been apprised by the local authorities of anticipated danger of this character, I have uniformly furnished arms to the officers having the custody of prisoners, to the end that they might be securely guarded until tried by the proper Court. The recent outrage at New Albany owed its success to the audacity of its perpetrators, and was not anticipated by the local authorities, or people of that city. Some time before these prisoners were confined in the prison in that city, and in anticipation of their delivery there for safe custody, I sent an agent to that place to ascertain and report as to their probable safety if they should be there delivered and imprisoned to await their trial. The result of the inquiries made assured me that no danger of violence was to be apprehended if they were delivered and imprisoned for trial at New Albany, and I so informed the Secretary of State of the United States, who had telegraphed me on the subject.

I respectfully submit to you whether suitable pecuniary rewards ought not to be authorized to be offered and paid for the discovery and arrest of those who were engaged in the perpetration of the recent terrible tragedy, and for the detection and arrest of all who may hereafter be engaged in similar acts.

It should also, in my judgment, be made a felony to join or be a member of any organization or association which has for its object the usurpation of the functions of the judiciary by condemning and punishing others for real or pretended offences. It is also worthy of consideration whether some legislation is not called for providing for the custody and safe keeping of prisoners accused of crime at points in the State distant from the scene of the commission of the alleged offences, where it is made to appear that there is reasonable grounds to apprehend mob violence, if confined for trial at or near the place where the offence is charged to have been committed.

I have long been satisfied that it would be wise to allow courts and juries a larger degree of discretion than they now possess in assessing the punishment, on a conviction, in a certain class, or perhaps classes of felonies. Especially is this true of the crime of larceny. The punishment for grand larceny can not, in the case of a male adult, be less than two years' confinement in the State prison. This, in some cases is an excessive punishment. In petit larceny the punishment may be as low as one year in the penitentiary, or for any de-

terminate period in the county jail. The distinction between grand and petit larceny is purely arbitrary, depending on the value of the property taken. If the value is five dollars, or upwards, the offence is grand larceny; if under five dollars it is petit larceny. The moral turpitude involved in a given case of grand larceny may be less than that pertaining to another of petit larceny; and yet the arbitrary distinction of value compels a sentence, upon conviction of grand larceny, for at least two years in the penitentiary, while as to petit larceny there is allowed the largest discretion. Such a discretion also exists in the punishment of the crime of perjury; and it is believed that no good reason can be assigned for denying it as to the offence of grand larceny, if, indeed, the distinction between grand and petit larceny should exist. I respectfully recommend that the distinction between grand and petit larceny be abolished, and that courts and juries be allowed a large discretion in assessing the punishment on conviction of larceny. Or if it is not thought best to do this, reduce the minimum punishment for grand larceny from two years to one year.

By our Constitution, white male persons of foreign birth, of the age of twenty-one years and upwards, who have resided in the United States one year, and six months in this State prior to an election, are electors, provided they have declared their intention to become citizens of the United States conformably to the laws of the United States on the subject of naturalization. By the acts of Congress this declaration may be made before the Clerk of any Court of Record of any State, such court having common law jurisdiction, and a seal and clerk or prothonotary. It has been represented to me that in some instances Clerks of Circuit Courts in this State have issued blank certificates of declarations of intention to become citizens, under the seal of the court, without, however, signing their names thereto, and then have entrusted these blanks to partisan friends, who were duly appointed deputy clerks, and these deputies, on the day of election appeared in the different townships and issued the certificates to such foreigners, of the proper political affiliations, as might appear before the deputy and take the oath of intention. I recommend that this public indecency be prohibited by proper penalties; and that it shall be made unlawful for any Clerk, either personally or by deputy, to take the declaration of any foreigner to become a citizen, or to issue a certificate thereof at any other place than the Clerk's office, or the Court House, when the Court is in session.

Our Bill of Rights requires that justice shall be administered speedily and without delay, and the public, as well as persons accused of crime, have a right to insist on the enforcement of this requirement. There is a growing conviction, however, not only with the mass of the people, but among many of our best lawyers and judges, that there are serious omissions and defects in our legislation in respect to the practice of the Courts in criminal prosecutions. The facility with which continuances and changes of venue can be obtained on false affidavits, with a view to delay merely, until the evidence relied upon by the State is no longer attainable, is begetting a distrust in the administration of the penal laws, and is made an excuse for a resort to summary punishment by mob violence, disgraceful to the State, and which, if tolerated, must ultimately become subversive of all law.

As the law now stands, as long as a defendant in a criminal prosecution will continue to make affidavits technically sufficient, however untruthful, the Court, although satisfied that no real grounds of delay exist, must grant the application or run the risk of a reversal of the case on appeal, upon the ground that the application was improperly refused. Under such a practice, the skill of the lawyer in preparing the affidavit, and not the truthfulness of the statements of the affiant, becomes the ground of judicial action.

I respectfully recommend that it be provided by proper legislation that whenever application is made for a continuance in a criminal case, founded on affidavit, setting forth as the basis of the application the absence of witnesses whose testimony is material to the defense, that the Court may of its own motion, or at the instance of the Prosecutor, to test the merits of the application, require the accused to submit to an oral cross examination in open Court as to the matters set forth in the affidavit as the grounds of the continuance; and also providing that if the accused declines to submit to such cross-examination, the Court shall refuse the application. I would also provide that the Court may, in its discretion receive counter affidavits or oral testimony tending to disprove the statements relied on as the grounds of continuance, and that no judgement of conviction shall be reversed because of a refusal to grant a continuance, unless the refusal, upon all the evidence adduced upon the question shall manifest a palpable abuse of discretion on the part of the lower Court. Also, that, when an affidavit is filed for a continuance on the ground of the absence of a witness, if the prosecutor will admit that the witness would, if present, swear to the material and relevant matters stated in the affidavit,

then such matters may be read as evidence from the affidavit on the trial, but the cause shall not be continued because of the absence of such witness. I further recommend that in such cases, it shall be made competent for the State to prove the bad reputation of the witness named in the affidavit just as if he had been personally examined as a witness on the trial.

I further recommend that provision be made by law that where an application is made for a change of venue on account of any objections the accused may make to the Judge of the Court, that some other Judge, or any disinterested attorney of the Court may be substituted to preside at the trial, to the end that no continuance of the cause may be occasioned by the granting of the application. The rule of practice introduced into the Code of 1852, which gives the defendant's counsel the right to make the concluding argument to the jury, is an innovation upon the well established principle that the party upon whom the burden of proof rests should be permitted to open and close the discussion. The practical operation of the rule is not believed to be conducive to the ends of justice. When it is considered that our Prosecuting and District Attorneys are so inadequately compensated, and are therefore not generally men of the largest experience, and that the defendant if he be possessed of means can always secure in his defense the best talents and ripest experience of the profession, it seems to be clear that the State should not be placed under disadvantages in relation to the conduct of the argument of causes which are not imposed upon other litigants. I therefore recommend that the rule of practice above alluded to be abrogated, and that the practice as it stood prior to the adoption of the Code of 1852 be restored.

COURTS.

The organization and jurisdiction of the courts, is a subject which should receive your careful consideration. In the larger counties, the criminal prosecutions occupy so much of the time of the courts that it almost amounts to a denial of justice to litigants in civil cases. This was to some extent relieved in the four most populous counties of the State, by the establishment of a Criminal Circuit Court in each of those counties. Even with this relief, however, in Marion county, the civil dockets of the courts are so crowded with business that the delay necessarily occasioned in the trial of causes is very injurious to public and private interests. Under the legislation for the establishment of Criminal Circuit Courts, such courts can only exist in counties having

at least seven thousand voters. There are counties in this State not having this number of voters, in which there is a pressing necessity that the Circuit Courts should be relieved of Criminal cases, in order to enable them to transact the civil business. It has been a question with the legal profession whether the Criminal Circuit courts now existing, are Circuit Courts such as the Constitution requires to be established in each county, or inferior Courts, such as the Legislature may in its discretion provide; or whether they have a constitutional existence at all. The Supreme Court has sanctioned the legality of their existence without deciding to which class they belong. Motives of public policy so strongly pointed to the necessity of sustaining the legal existence of these courts that it may be that the Supreme Court trusted that the General Assembly would disembarass the subject by future legislation. In my opinion, a judicial circuit is under the Constitution, as much a territorial subdivision of the State as is a county; and that, it is as impossible, constitutionally, to have one judicial circuit within the boundaries of another, as it would be to organize one county within another.

If this be so, the Criminal Circuit Courts are not Circuit Courts within the meaning of those terms as employed in the Constitution, but can only be sustained as belonging to the class of inferior courts which the Legislature may establish at its discretion. But if these courts are inferior, and not Circuit Courts, the terms of the judges can not, according to the Constitution exceed four years. The law, however, establishing the Criminal Circuit Courts does not prescribe the terms of the judges thereof, but assumes that they are Circuit Judges, and therefore entitled to hold for the constitutional term of four years. A matter of so much importance ought not to depend upon legislation as to the constitutionality of which there is any doubt. I therefore recommend that the law be so changed as to make these courts inferior courts for the counties for which they are provided, and prescribing four years as the official term of the judges; and providing for their establishment in other counties where the population and business require that the Circuit Courts should be relieved of their criminal jurisdiction. The time will soon come, if it has not already arrived, when the public interest will demand a remodeling of our judicial system. The wisdom of having two courts in each county, whose jurisdiction is so nearly concurrent as is that of the Circuit Court and the Court of Common Pleas, and whose terms it is so difficult to arrange without a conflict, and without inconvenience to the bar, is more

than doubtful. If we desire to increase the efficiency of our judiciary, we must have fewer Courts possessing so nearly the same jurisdiction; and must better remunerate our judges. With Courts of exclusive criminal jurisdiction in our more populous counties, a diminution of the size of our judicial circuits, and a corresponding increase of their number, and an increase in the terms of the circuit courts: and with a proper division of the probate business between the clerks in vacation and the Circuit Courts, and the Court of Common Pleas, the State could afford to pay the Circuit Judges a more adequate compensation.

The increased and increasing amount of business in the Supreme Court, suggests the necessity of some legislation that will relieve that tribunal of a portion of the cases that will soon crowd its docket, and and discourage all efforts to dispose of appeals within a reasonable time after their submission.

As the jurisdiction of that Court is now regulated by law, either party to an action may appeal from any final judgment of the Circuit or Common Pleas Courts, except in actions originating before a Justice of the Peace or Mayor of a city, where the amount in controversy, exclusive of interest and costs, does not exceed ten dollars. In my opinion the time of the Supreme Court ought not to be occupied in trying cases where the amount involed can not, in the event of the success of the appellant, justify the expense of the litigation. I therefore recommend that the appellate jurisdiction of the Supreme Court be limited to cases where the amount in controversy is one hundred dollars or upwards.

I also commend to your serious consideration the propriety of increasing the compensation allowed to the Judges of that Court. It is not creditable to the State that our highest judicial officers should receive less for their services than is allowed to many county officers whose duties are purely administrative or ministerial, and for the performance of which no previous professional training is necessary. A cheap judiciary will in the long run prove to be more expensive to the public than one that is adequately paid.

AGRICULTURE.

The report of the State Board of Agriculture for the years 1867 and 1868, will be laid before you. It is believed that this board is doing much to promote the agricultural interests of the State, upon which all other interests so largely depend. At present there is no

means of collecting and disseminating statistical information as to the agricultural, manufacturing and mechanical products of the State. If we desire to compete with other States in attracting capital and inviting immigration, some means must be used to make known what we have already accomplished and the vast resources of our State which still remain to be developed. A statistical department might be connected with the State Board of Agriculture or with the office of the Secretary of State, and it is believed that the small outlay which this would occasion would soon be repaid by the increase of population and capital which would ensue. Our large coal and iron interests are almost unknown beyond the borders of the State, and even our own people have no adequate idea of the extent of these interests. No State has greater opportunities and capabilities than our own for multiplying and diversifying her industrial productions. If we shall do our duty in advertising our resources so as to attract manufacturing capital to our borders we will soon have a home market for our agricultural productions, instead of being compelled to pay high rates of transportation to carry them to distant markets. As a means to this end, a thorough and scientific geological survey of the State would seem to be a necessity. Such a survey has been repeatedly recommended by my predecessors, and I now repeat the recommendation, feeling assured that parsimony in this respect is the very reverse of true economy. It is also believed that a small annual expenditure, for the purpose of attracting immigration to the State, if judiciously disbursed, would soon be repaid by the increase of taxable persons and property which would result therefrom. By the act of March 5, 1859, the Governor was directed to select a convenient room in the Capitol, or in any other building that may be erected by the State, if a suitable one can be found, and if not, to hire one suitable for the deposit and safe-keeping of such minerals, soils, ores, fossils, maps, sketches, &c., as may be collected or made by the State Board of Agriculture, which room shall be placed under the control of said Board. At the commencement of the War, the room which had been assigned to the Board under this act, was taken for military purposes, and the geological cabinet of the Board was deposited in the cellar of the State House, and their cases in which specimens, &c., were kept, were taken for other purposes. In January, 1868, after the old Supreme Court room was vacated, I assigned that room to the State Board of Agriculture, and the Board requested me to have the room fitted up and suitable cases supplied for their cabinet. I replied that there was no

appropriation at my disposal which could be properly applied to that purpose, and requested the Board to procure the necessary cases, furniture and fixtures upon the assurance that I would recommend to the General Assembly that an appropriation be made to cover the necessary expenses thus incurred. The Board will inform the Financial Committees of the amount thus expended, and I trust that an appropriation will be made to reimburse the amount thus expended.

EDUCATION.

The common school system of the State is gradually but steadily improving and becoming more thorough and efficient in the great work of educating our children and youth. The increased and increasing pride which the educators of the State manifest in the noble profession to which they have devoted themselves is worthy of the highest commendation. Indeed, I know of no class of our people who devote so much time and means to the elevation of their profession as the one to which allusion has just been made. If these efforts shall be properly appreciated and encouraged, the time will come when the education of the young will not be entrusted to those who resort to teaching as a temporary expedient to enable them to prepare for the duties of some other vocation more congenial to their tastes; but our schools will be presided over by trained teachers who love the profession of their choice, and who are anxious to excel in the performance of its duties.

It is much to be desired that the time during which the schools are in operation in the rural districts should be prolonged, but it may well be doubted whether it would be wise at this time to resort to an increase of the State tax for school purposes to accomplish that object.

By the act of March 9th, 1867, it is provided that the Trustees of Civil Townships, the Trustees of incorporated Towns and the Common Councils of Cities, may levy annually a tax not exceeding twenty-five cents on each one hundred dollars of taxable property, and twenty-five cents on each poll, to be expended within the jurisdiction assessing the same, in the same manner as funds arising from taxation for common school purposes are required to be expended. As a similar enactment had, in 1854, been declared unconstitutional by the Supreme Court, it was reasonable to suppose that the constitutionality of the act of 1867 would be tested in the judicial tribunals of the State. Such, however, as far as I am informed has not been the re-

sult, but, on the contrary, in every locality where the tax has been levied the people seem to have acquiesced in the law under which it was imposed as a constitutional exercise of the taxing power. If this acquiescence shall continue, or if in the event of the constitutionality of the law being questioned, the Courts shall sustain it, the interests of common school education will probably be better subserved by the aid thus given than by an increase of the State tax for school purposes.

When the people of a township, or of an incorporated town or city are taxed for the support of the schools of their own immediate vicinity, it is believed that they will take a deeper interest in their improvement and efficiency than under a system which teaches them to look entirely to the State for the means of education.

The act of 1867 is, however, defective in this, it makes no provision for any return either to the Superintendent of Public Instruction or to the Auditor of State, showing the extent to which this power of local taxation may be invoked by the townships and incorporated towns and cities of the State. So far as the civil townships are concerned, if a school tax is assessed under this act, the amount assessed in each will be included in the aggregate of the taxes of the township returned through the County Auditor to the Auditor of State, but there will be nothing to show whether any portion of that aggregate consisted of taxes levied to support schools in the township or not.

As to incorporated towns and cities, no return whatever is provided for. I therefore recommend that provision be made that every township, town or city which may exercise the power of taxation conferred by the act, shall make a return through the Auditor of the county either to the Auditor of State or to the Superintendent of Public Instruction, of the amount so levied and the date of the levy. Provision should also be made by which the Superintendent may be properly informed of the practical results of the tax in every jurisdiction in which it may be levied in prolonging the term of instruction therein.

In the cities and larger towns of the State the office of School Trustee has become one of great and increasing importance, as well on account of the pecuniary as the educational interests involved. By the 5th section of the School Law of March 6th, 1865, it is enacted that the Common Council of each incorporated city, and the Board of Trustees of each incorporated town of this State, shall, at the first

regular meeting in the month of April of each year, and biennially thereafter, elect three School Trustees.

It would be a much better arrangement if the section was so amended as to require the election to take place at the first meeting (or as soon thereafter as practicable) of the new Council or Board which may be elected at the respective town and city elections in the spring of each year.

A large majority of the towns and cities of the State are now incorporated under the general laws in force on those subjects, and under these laws the town and city elections occur in the month of May, so that the retiring Councils or Boards instead of those newly elected appoint the School Trustees. A few towns and cities still exercise their corporate powers under special charters, passed before the adoption of the present Constitution, and the days on which their elections occur are not uniform, but all of them are believed to be in April or May. By the amendment proposed, the law would operate alike as to all towns and cities, no matter under what law incorporated, by giving to the newly elected Council or Board of Trustees the appointment of the School Trustees for the current year. The section should in my opinion be further amended so as to provide that at the first election of School Trustees which shall take place after the adoption of the amendment, one shall be chosen for one, another for two, and the third for three years; and that annually thereafter, one Trustee shall be elected, to the end that a degree of experience in the educational affairs of the town or city may be always secured commensurate with the important interests entrusted to the Board of School Trustees.

I herewith respectfully submit the biennial report of the Board of Trustees of the State Normal School. From an inspection of this report it will be seen that a large appropriation will be required to complete and furnish the edifice now in course of construction. It is believed, however, that the benefits which will accrue to the cause of education from the establishment of the Institution will ultimately vindicate the wisdom of the appropriations large as they may appear.

In October last, the late efficient Superintendent of Public Instruction, Professor George W. Hoss, to whose zeal and fidelity the educational interests of the State are so largely indebted, resigned his office, to take effect on the 17th of that month; and a few days thereafter, I appointed the present incumbent, Professor Barnabas C. Hobbs, whose report will be laid before you, and to which I respectfully refer

you for information in detail containing the various matters appropriate to his department of the public service.

EDUCATION OF COLORED CHILDREN.

It is time that the illiberal policy heretofore pursued toward the colored people of the State in reference to the education of their children should be abandoned. It will be seen by the report of the Superintendent of Public Instruction that, by correspondence with the officials of other States, he has collected information which will enable you to institute a comparison between our legislation and that of our sister States on this subject. This comparison will show that, with the single exception of one other State, Indiana stands alone in her adherence to this unwise, unjust and exclusive policy.

If there were no higher motives to urge us to do justice in this regard, the letter and spirit of our own Constitution would seem to make the path of duty so plain that none need err therein. The Constitution declares that "Knowledge and learning, generally diffused throughout a community, being essential to the preservation of free Government, it shall be the duty of the General Assembly to encourage, by all suitable means, moral, intellectual, scientific and agricultural improvement, and to provide by law, *for a general and uniform system of common schools wherein tuition shall be without charge and equally open to all.*"

If a small tax is assessed by a township to prolong the school term, grave doubts are entertained as to whether the generality and uniformity of the system is not threatened with destruction; but this plain, unambiguous phraseology, which leaves no room for construction, can be ignored with impunity because prejudice so decrees. It is true that a proviso to the first section of the school law of 1865 exempts colored persons from the State tax therein assessed for the support of common schools; but they are taxed for the building of school houses for our children. The exemption in the proviso above alluded to is as clearly in contravention of the Constitution as is the exclusion of colored persons from the educational advantages intended for all.

On the subject of taxation the Constitution is very explicit. It declares "that the General Assembly *shall* provide by law for a uniform and equal rate of assessment and taxation, and *shall* prescribe such regulations as shall secure a just valuation for taxation of ALL PROPERTY both real and personal *excepting such only for municipal, educational, literary, scientific, religious or charitable purposes as may be*

specifically exempt by law. The property of the colored people does not come within this exception, and the General Assembly has no power to enlarge the exemption. It is a question of justice, and of complying with the requirements of our own Constitution, and I trust it will be fairly met, and decided in favor of justice and of the observance of the Constitution.

The precise manner in which the colored people shall be secured in their educational rights, is a question of minor importance, and one on which we can derive assistance from the experience of other States, in which the question has arisen and been settled.

AGRICULTURAL COLLEGE.

On the 9th day of April, 1867, the land scrip which had been issued by the Secretary of the Interior to this State, under the Act of Congress of July 2d, 1862, entitled, "An Act donating lands to the several states and territories which may provide colleges for the benefit of agriculture and the mechanic arts," was disposed of by the Treasurer of the Board of Trustees of the Indiana Agricultural College under the direction of said Board, in pursuance of the requirements of the fifth section of the Act of the General Assembly accepting the grant, approved March 6, 1865.

The Board of Trustees advertised for sealed proposals for the purchase of the scrip in such quantities or parcels as seemed most likely to secure competition. Quite a number of bids were received, and the scrip was sold in five several parcels to the highest bidders, and embraced three hundred and ninety thousand acres of land! The aggregate of all the sales was two hundred and twelve thousand, two hundred and thirty-eight dollars, and fifty cents, or about fifty-four and a half cents for each acre of land represented by the scrip. The entire proceeds of the scrip was, as soon as practicable after the sale, invested in the five-twenty bonds of the United States. Since the making of this investment, interest has been collected by the Treasurer of the Board on these bonds to the amount of \$20,725 40, which, with the exception of \$1,748 90 cash in the hands of the Treasurer, has been invested in like manner. The par value of the bonds held by the trust is \$215,000. The market value at this time is estimated at \$236,500, and if to this last named sum is added the cash in hands of the Treasurer, viz: \$1,748 90, the entire fund is now of the value of \$238,248 90. I respectfully submit a copy of the report of the Treasurer of the Board, to which you are referred for further infor-

mation in relation to the sale of the scrip and the investment of the proceeds.

The original Act of Congress by which the donation was made, requires any State accepting the benefits of its provisions, to provide at least one college such as is described in the Act within five years from the passage of the Act, or in default thereof, the grant shall be forfeited, and the State shall be bound to pay to the United States the proceeds of the land or scrip received.

By a subsequent Act of Congress, approved July 23d, 1866, the time within which the States accepting the grant were required to establish colleges was extended for five years from the last named date. The time limited by this extension will expire in 1871, and hence it is important that some definite action should be taken on the subject by the General Assembly at its present session.

By the terms of the grant the fund is to remain undiminished forever, and the interest must be inviolably appropriated to the endowment, support and maintenance of at least one College, "where the leading object shall be, without excluding other scientific and classical studies, and including military tactics, to teach such branches of learning as are related to Agriculture and the Mechanic arts, in such manner as the Legislature may prescribe in order to promote the liberal and practical education of the industrial classes in the several pursuits and professions of life."

By a subsequent section of the act of Congress an exception is made which allows a sum, not exceeding ten per centum of the fund, to be expended in the purchase of land for sites or experimental farms whenever authorized by the Legislature of the State; but this is coupled with an inhibition against the appropriation of any part of the fund to the purchase, erection or repair of any building or buildings. To establish a College such as is described in the act of Congress would involve such a draft upon the State Treasury as I could not recommend at this time if it can be avoided.

Agricultural Colleges are as yet but experiments in this country, and it would be of great advantage to us if some arrangement could be made whereby action can be delayed until we can avail ourselves of the experience of other States now engaged in the establishment of such institutions. My own opinion is, that Congress should be memorialized to pass an act or joint resolution, permitting the State to apply the annual income of this fund to the support of Common Schools, until such time as the State is prepared, in justice to other

claims upon her resources, to provide the College contemplated by the grant. Or if this is not deemed advisable, to permit the State to add the annual income of the fund to the principal, by investing it in Government stocks until such time as the required College may be established. At former sessions of the General Assembly, three distinct plans of executing the trust were discussed. The first of these proposed making the College a Branch or Department of the State University. The second contemplated the establishment of a separate and independent Institution. The third suggested the division of the annual income of the fund equally among the State University and two, three or more, of the denominational Colleges and Universities in the State, upon the condition that each of the Institutions so favored should provide one or more professorships devoted to instruction in such branches as the act of Congress requires.

The proposition last named would, to my mind, be so plain a departure from the spirit and intention of the grant, and would, on other grounds, be of such doubtful expediency that I could not recommend its adoption. Should the General Assembly be of the same opinion, and also be averse to applying to Congress for permission to apply the income to the support of common schools, or to add it to the principal until such time as the State might be prepared to establish the College, the remaining choice would be between establishing a new institution and providing a College in connection with and as a branch of the State University.

The establishment of a new College, creditable to the State, would, I suppose, involve a draft upon the Treasury of the State to an amount nearly if not quite equal to the amount of the fund received from the General Government. But for this severe draft upon the Treasury, and the doubt which exists whether such institutions can be made useful to any considerable extent, I should prefer the establishment of a new institution to the plan of attaching the College to the University.

In view, however, of the fact that we are now engaged in the payment of the State debt, and in view of the large and urgent demands of institutions already established and, remembering that under existing circumstances, and in anticipation of possible contingencies, the public burdens ought to be diminished rather than increased, my own opinion is that it would be unwise at this time to make such appropriations as the establishment of a new College would involve. I suppose that an agricultural and mechanical department of instruction,

such as would save the grant from forfeiture, might be established in connection with the State University at a comparatively small expense to the Treasury. If this is done the legislation should, in my judgment, be so shaped as to exclude the idea that the General Assembly might not, at some future time, if it should think proper to do so, make a different disposition of the fund. In other words, to prevent any pretext for a charge of bad faith, the right should be expressly reserved, to provide a new and independent Agricultural College, and to apply the income of the fund to its support, if experience should, in the opinion of the General Assembly, render such action expedient or proper.

I can, however, see no reason to fear the success of an application to Congress for permission to apply the income of the fund to the support of the common schools; and experience has not yet proved that such an appropriation of the trust would not better tend "to promote the liberal and practical education of the industrial classes in the several pursuits and professions of life," than the establishment of an Agricultural and Mechanical College.

CONCLUSION.

Having thus performed what I conceive to be my duty in presenting to you information touching the condition of the State, and in recommending such measures as would in my opinion be promotive of its welfare, allow me to assure you of my sincere desire cordially to co-operate with you in all your efforts to advance the prosperity of the State and the happiness of its people, and to express the hope that your councils may be harmonious, and that your labors may result in lasting benefits and blessings to your constituents.

CONRAD BAKER.

The President of the Senate then declared that the business for which the two Houses of the General Assembly had been called together was concluded, and the Senate returned to its chamber.

Mr. Johnson, of Montgomery, offered the following resolution:

Resolved, That when the Senate adjourn, it adjourn until Monday next at 2 o'clock, P. M.

Which was adopted.

A message from the House by Mr. Merwin, Clerk thereof:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed the following resolution, to-wit:

Resolved, That the Senate be invited to attend in the Hall of the House on Monday, the eleventh day of January, 1869, at 3 o'clock, P. M., for the purpose of opening and publishing the returns of the election for Governor and Lieutenant Governor at the late election.

On motion by Mr. Church the Senate adjourned.

MONDAY AFTERNOON, 2 o'clock, }
January 11, 1869. }

The Senate met.

The Journal of Saturday was read.

JOINT RESOLUTIONS.

Mr. Turner introduced Senate Joint Resolution No 1:

A Joint Resolution requesting our representatives, and instructing our Senators in Congress to use their influence to secure the passage of a law increasing the present currency of the country to the extent that the same has been contracted by the retiring of the greenbacks and compound interest notes.

Mr. Bellamy moved to lay the resolution on the table and that it be referred to the committee on Finance when that committee is appointed.

Mr. Johnson, of Montgomery, moved to amend the motion of Mr. Bellamy by referring the resolution to a select committee of five.

Which was agreed to, and the President appointed Messrs. Turner, Walcott, Johnson, of Montgomery, Fisher and Scott, said committee.

Mr. Carson introduced Senate Joint Resolution No. 2:

A Joint Resolution directing the Auditor of State to prepare a list of the several officers of this State who have filed a statement of their fees, perquisites and emoluments in his office in obedience to the provisions of an act entitled "An act to ascertain the amount of the fees and salaries of the Clerks of the Supreme, Circuit and Common Pleas Courts of this State, of the Sheriff of the Supreme Court, and of the various counties of this State, of County Auditors, Treasurers and Recorders, of Circuit and Prosecuting Attorneys, and to provide punishment for a violation of its provisions," approved June 3, 1861, with a succinct statement of the aggregate

amount of fees reported by each of said officers for the years 1867 and 1868.

The question being shall the joint resolution pass?

Those who voted in the affirmative were,

Messrs. Anderson, Armstrong, Beardsley, Bellamy, Bird, Bradley, Carson, Case, Caven, Colley, Denbo, Fisher, Fosdick, Gifford, Greene, Hadley, Hamilton, Henderson, Hess, Houghton, Huey, Hughes, Humphreys, Jaquess, Johnson of Spencer, Johnson of Montgomery, Kinley, Morgan, Rice, Reynolds, Robinson of Madison, Robinson of Decatur, Scott, Sherrod, Smith, Stein, Taggart, Turner, Walcott and Wood—41.

Those who voted in the negative were,

Messrs. Church, Elliott and Hooper—3.

So the joint resolution passed.

Ordered, That the Secretary inform the House thereof.

Mr. Bellamy introduced the following concurrent resolution :

Resolved, By the Senate, the House of Representatives concurring therein, that there be printed in pamphlet form eight thousand copies of his Excellency Governor Baker's Message, fifteen hundred copies whereof shall be printed in the German language. That one thousand copies of the said Message shall be delivered to the Governor for his own use, and that the remainder be distributed *pro rata* to the members of the General Assembly for circulation. Also one thousand copies of Quartermaster General Stone's final report and five hundred copies of the report and supplementary report of the Morgan Raid Commission.

Mr. Scott called for a division of the resolution.

Mr. Hughes moved that the clause of the resolution providing for the publication of the Quartermaster General's Report be laid upon the table, and referred to the Committee on Printing when said committee is appointed.

Which was agreed to.

Mr. Green moved that the resolution be amended so as to provide that the Governor's Message be wrapped and stamped ready for mailing.

Mr. Gifford moved that the amendment of Mr. Green be laid upon the table.

Which was agreed to.

Mr. Fisher moved that the clause of the resolution providing for the publication of the report and supplementary report of the Morgan Raid Commission be laid upon the table, and referred to the Committee on Printing when said committee is appointed.

Which was agreed to.

The portion of the resolution providing for the publication and distribution of the Governor's Message was then adopted.

Ordered, That the Secretary inform the House thereof.

Mr. Turner offered the following resolution:

WHEREAS, It has been published in one of the newspapers of this city that the Hon. Will Cumback, Lieutenant Governor elect, made certain corrupt and dishonorable propositions to His Excellency, Governor Baker, which were promptly declined; and,

WHEREAS, This charge is injuriously affecting the reputation and prospects of Mr. Cumback, now a prominent candidate for the United States Senate; and,

WHEREAS, It is due to the Senate, and the parties implicated, that the facts of the case be known; therefore,

Resolved, That His Excellency the Governor be requested to furnish the Senate the letter or paper containing such propositions, and all correspondence relating thereto, if any such have been made; and, if no such corrupt propositions have been made, that he authoritatively contradict the charge.

Pending the consideration of the resolution, the following message from the House was received:

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the House has passed the following resolution, to-wit :

Resolved, That the Senate be invited to meet in the Hall of the House instantler to witness the counting of the votes for Governor and Lieutenant Governor, and that seats be provided for them on the right hand of the Speaker's chair.

Thereupon the Senate repaired to the Hall of the House of Representatives.

The joint convention was called to order by the President of the Senate.

The Speaker of the House of Representatives then, in presence of both houses of the General Assembly, proceeded to open the returns of the votes cast for Governor and Lieutenant Governor of the State of Indiana, on the 13th day of October, 1868; and, counting all the votes, it appeared therefrom that, for the office of Governor, Conrad Baker had received 171,575 votes, and Thomas A. Hendricks had received 170,614 votes.

Conrad Baker having received a majority of all the votes cast, was, by the Speaker of the House of Representatives, in the presence of both houses of the General Assembly of Indiana, declared duly elected Governor of the State of Indiana, to serve as such for the term of four years from and after the second Monday in January, A. D. 1869.

For the office of Lieutenant Governor, it appeared from the returns aforesaid, that Will Cumbach received 171,711 votes, and Alfred P. Edgerton had received 170,373 votes.

Will Cumbach having received a majority of all the votes cast, was, by the Speaker of the House of Representatives, in the presence of both houses of the General Assembly, declared duly elected Lieutenant Governor of the State of Indiana for the term of four years from and after the second Monday of January, A. D. 1869.

On motion, by Mr. Buskirk, of the House of Representatives, Messrs. Buskirk, Dunn, and Coffroth, on the part of the House, and

Messrs. Wolcott and Gifford, on the part of the Senate, were appointed a committee to wait upon his Excellency, Conrad Baker, Governor elect, and upon Will Cumback, Lieutenant Governor elect, and inform them of their election to said offices respectively.

Conrad Baker, Governor elect, and Will Cumback, Lieutenant Governor elect, were then sworn into office by Hon. R. C. Gregory, one of the Judges of the Supreme Court.

Whereupon, his Excellency, Governor Baker, delivered the following inaugural address:

Gentlemen of the Senate and House of Representatives :

Having so recently addressed you at length, touching the affairs of the State, nothing but a desire to conform to a custom which has always been observed on occasions like the present, could induce me to detain you now for even a single moment.

I desire, through you, to return to the people of the State my grateful acknowledgements for the renewed confidence which it has been their pleasure to repose in me, and the oath which I have just taken in your presence is the strongest assurance which I can offer to them and to you that I intend to support the Constitutions, State and National, and faithfully to perform my duty according to the measure of ability which God has given me. If, in endeavoring to do this, I shall commit errors, I indulge the hope that my fellow-citizens, and especially those who have known me longest and most intimately, will attribute such errors to mistakes in judgement, and not to intentional wrong doing.

My political opinions and associations in the past have not been equivocal, and it is not at all probable that they will be ambiguous in the future. They are the growth of years, and are, therefore, a part of myself. But whilst this is so, and acknowledging, as I do, that I am under obligations of gratitude to my political friends which I can never repay, I do not forget that I am the servant of the public, and, as such, my duties to the entire people of the State, which no party obligations can or ought to be permitted to control.

I desire to express my acknowledgements to those from whom I have so long and so radically differed on political questions for the generally kind and almost universally courteous personal treatment I have received at their hands.

Endeavoring, therefore, to be true to my party in everything which it has a right to exact, I shall always try to remember that there is a common brotherhood and a common citizenship whose claims are above all mere party considerations, because they are ordained of God and by the Constitution.

If my official and personal life shall be such that it can be truthfully said of me when I am gone, "He was an honest and safe magistrate," this in my judgement will be a better inheritance for my children than it would be to have either my cotemporaries or those who shall come after me to say of me, "He was a successful politician."

In conclusion, I can only promise that in my efforts to meet the just expectation of the people in the position to which I have been called, whatever may be accomplished by very moderate natural endowments, some experience, a fair share of industry, and a sincere desire to promote the welfare of our beloved State and the happiness of her people, shall be cheerfully done, in humble reliance upon the Almighty Ruler and Parent of all.

Lieutenant Governor Will Cumback delivered the following address :

Senators :

It is made the duty of the Lieutenant Governor, by the Constitution of the State, to preside over this branch of the General Assembly.

Having had a little experience as a presiding officer, I am fully aware of the difficulties pertaining to such a position, and I cannot, therefore, promise you that I will make no mistakes, or that my decisions will always be in accordance with parliamentary law.

I will promise you that I will try to be impartial, and will endeavor to do equal justice to all alike, and will ask you to cover all my errors with the broad mantle of a generous charity.

Let us all strive to make our official relations mutually agreeable.

From the able and elaborate message of his Excellency, the Governor, we are advised that there are many important interests that will claim the attention of the Legislature this session.

Let us not shrink from our responsibility, but with an eye single to the welfare of the people, and impressed with a solemn conviction of our duty to God and our constituents, let us keep our great

and growing State in the front rank of all things that constitute the true greatness and goodness of a State.

It is certainly a matter of congratulation that our State will soon be free from debt.

Let us hope that all that may be done by us may hasten and not hinder the coming of that good time.

Hoping that all we may do may meet the approbation of those who have committed these important trusts to our hands, let us at once enter upon the discharge of our duties.

The President of the Senate then declared that the business of the joint convention was concluded, and the Senate returned to its chamber.

Lieutenant Governor Will Cumback took the chair and briefly addressed the Senate.

The Senate resumed the consideration of the resolution of Mr. Turner, pending when the Senate repaired to the Hall of the House of Representatives, Mr. Rice in the chair.

Mr. Church moved to amend the resolution as follows:

Amend by striking out all that part of the resolution which refers to obtaining a copy of the letter from Governor Baker, and insert: "That a committee be appointed to confer with the Indianapolis *Daily Sentinel* and *Daily Mirror*, two Democratic papers of this city, and demand their authority for the charges therein preferred, in their respective papers, against Mr. Cumback.

Mr. Johnson, of Spencer, moved that the further consideration of the resolution and amendment be indefinitely postponed.

Pending which, on motion, by Mr. Armstrong, the Senate adjourned.

TUESDAY AFTERNOON, 2 o'clock, }
January 12, 1869. }

The Senate met, the Journal of yesterday was read.

Mr. Johnson of Montgomery presented the credentials of James M. Hanna, Senator elect from the counties of Clay and Sullivan, who was sworn into office by the President, and took his seat.

By consent of the Senate Mr. Green introduced

Senate bill No. 1. An act to fix the times of holding the Courts of Common Pleas in the fourteenth judicial district of the State of Indiana, and other matters properly connected therewith.

Which was read a first time.

Mr. Green moved that the rules be suspended, the bill considered as engrossed, and that it be read a second and third times now.

The yeas and nays being taken under the Constitution,

Those who voted in the affirmative were,

Messrs. Andrews, Armstrong, Beardsley, Bellamy, Bradley, Carson, Case, Caven, Church, Colley, Cravens, Elliott, Fisher, Fosdick, Gifford, Gray, Green, Hadley, Hamilton, Henderson, Hess, Hooper, Houghton, Huey, Hughes, Humphreys, Jaquess, Johnson of Spencer, Johnson of Montgomery, Kinley, Laselle, Lee, Morgan, Rice, Reynolds, Robinson of Madison, Robinson of Decatur, Scott, Smith, Stein, Turner, Taggart, Wolcott and Wood—44.

Those who voted in the negative were,

Messrs. Hanna and Sherrod—2.

So the rules were suspended and the bill was read a second and a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Andrews, Armstrong, Beardsley, Bellamy, Bradley, Carson, Case, Caven, Church, Colley, Cravens, Elliott, Fisher, Fosdick, Gifford, Gray, Green, Hadley, Hamilton, Hanna, Henderson, Hess, Hooper, Houghton, Huey, Huffman, Hughes, Humphreys, Jaquess, Johnson of Spencer, Johnson of Montgomery, Kinley, Laselle, Lee, Morgan, Rice, Reynolds, Robinson of Madison, Robinson of Deca-

tur, Scott, Sherrod, Smith, Stein, Taggart, Turner, Walcott and Wood—47.

No Senator voting in the negative.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

By consent of the Senate, Mr. Gifford introduced

Senate bill No. 2. An act fixing the time of holding Circuit Courts in the counties of Franklin, Union, Fayette, Rush, Shelby, Decatur and Dearborn, and declaring an emergency.

Which was read a first time.

Mr. Gifford moved that the rules be suspended, the bill considered as engrossed, and that it be read a second and third time now.

The ayes and noes were taken under the Constitution.

Those who voted in the affirmative were,

Messrs. Andrews, Armstrong, Beardsley, Bradley, Carson, Case, Caven, Church, Colley, Cravens, Elliott, Fisher, Fosdick, Gifford, Gray, Green, Hadley, Hamilton, Henderson, Hooper, Houghton, Huey, Huffman, Hughes, Humphreys, Jaquess, Johnson of Spencer, Johnson of Montgomery, Laselle, Lee, Morgan, Rice, Reynolds, Robinson of Madison, Sherrod, Smith, Stein, Taggart, Turner, Wolcott, and Wood—41.

Those who voted in the negative were,

Messrs. Bellamy, Hess, Kinley, Robinson of Decatur, and Scott—5.

So the rules were suspended, and the bill was read a second and third times.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Andrews, Armstrong, Beardsley, Bellamy, Bradley, Carson, Case, Caven, Church, Colley, Cravens, Elliott, Fisher, Fosdick, Gifford, Gray, Green, Hadley, Hamilton, Hanna, Henderson, Hess, Hooper, Houghton, Huey, Huffman, Hughes, Humphreys, Jaquess,

Johnson of Spencer, Johnson of Montgomery, Kinley, Laselle Lee, Morgan, Rice, Reynolds, Robinson of Madison, Robinson of Decatur, Scott, Sherrod, Smith, Stein, Taggart, Turner, Wolcott, and Wood—47.

No Senator voting in the negative.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

SPECIAL ORDER.

The hour having arrived, the special order, being the resolution of Mr. Hughes authorizing the President of the Senate to appoint standing committees, was taken up, and the resolution was adopted.

The Senate resumed the consideration of the resolution of Mr. Turner, pending at adjournment. Mr. Robinson of Madison in the chair.

The question being on the motion of Mr. Johnson of Spencer, to indefinitely postpone the further consideration of the resolution,

The yeas and nays were demanded by Messrs. Turner and Stein.

Those who voted in the affirmative were,

Messrs. Armstrong, Bellamy, Case, Caven, Church, Colley, Elliott, Gifford, Gray, Hadley, Hamilton, Houghton, Jaquess, Johnson of Spencer, Laselle, Rise, Robinson of Madison, Robinson of Decatur, Scott, and Wood—20.

Those who voted in the negative were,

Messrs. Andrews, Beardsley, Bradley, Carson, Cravens, Fisher, Fosdick, Green, Henderson, Hess, Hooper, Huey, Huffman, Hughes, Humphreys, Johnson of Montgomery, Kinley, Lee, Morgan, Reynolds, Sherrod, Stein, Taggart, Turner, Wolcott—25.

So the motion to indefinitely postpone did not prevail.

By consent of the Senate, the amendment of Mr. Church was withdrawn.

Mr. Hughes offered the following amendment :

WHEREAS, One of the newspapers taken by this body, and daily laid upon the desk of its members, has specifically charged that some written correspondence of an improper and corrupt character has taken place between the late acting Lieutenant Governor, and now presiding officer of this body, Hon. Will Cumback, and His Excellency Governor Conrad Baker, wherein it is alleged that propositions of an improper nature, touching the appointment of Lieutenant Governor Cumback to a prospective vacancy in the Senate of the United States, were submitted to Governor Baker, and by him indignantly repelled ; and,

WHEREAS, No authorized denial of said charges has yet been made public ; and,

WHEREAS, A member of this body has declared in debate, in the presence of the Lieutenant Governor, that he was authorized by Lieutenant Governor Cumback to say that, so far as he is concerned, all restraints and obligations of privacy as to said correspondence are removed and withdrawn ; therefore,

Resolved, That Governor Baker be requested to communicate to this body, for its information, all and any correspondence in writing, and the indorsements thereon, heretofore had by and between Lieutenant Governor Cumback and himself, relative to the subject matter before mentioned.

Mr. Hughes moved the previous question, which was seconded by the Senate.

The main question was then ordered.

The question being, shall the amendment be adopted ?

The yeas and nays were demanded by Messrs. Hughes and Stein.

Those who voted in the affirmative were,

Messrs. Andrews, Beardsley, Bradley, Carson, Cravens, Fisher, Fosdick, Green, Hadley, Henderson, Hess, Hooper, Huey, Huffman, Hughes, Humphreys, Johnson of Montgomery, Kinley, La-

selle, Lee, Morgan, Reynolds, Sherrod, Stein, Taggart, Turner and Wolcott—26.

Those who voted in the negative were,

Messrs. Armstrong, Bellamy, Case, Caven, Church, Cravens, Elliott, Gifford, Gray, Hadley, Hamilton, Houghton, Jaquess, Johnson of Spencer, Rice, Robinson of Madison, Robinson of Decatur, Scott and Wood—19.

So the amendment was agreed to.

The resolution as amended was then adopted.

Mr. Hooper gave the following notice:

On to-morrow I will make a motion to change the eighth standing rule of the Senate by so amending it as to provide for the appointment of a standing committee on the House of Refuge.

By consent of the Senate, Mr. Bellamy offered the following resolution:

Resolved, That a committee of three be appointed to refer the Governor's Message to appropriate committees.

Which was adopted, and the President appointed Messrs. Bellamy, Fosdick and Sherrod said committee.

Leave of absence was granted to Messrs. Bird and Hanna.

BILLS INTRODUCED.

Mr. Carson introduced

Senate bill No. 3. An act to repeal section one of an act entitled "An act in relation to applying certain funds therein named to the payment of the public debt and raising a revenue for the support of common schools, and to repeal all laws in conflict therewith," approved March 9, 1861, and to legalize all taxes levied and assessed under the provisions of said act.

Which was read a first time and passed to a second reading on to-morrow.

Mr. Johnson of Spencer introduced

Senate bill No. 4. An act authorizing Superintendent of Pub-

lie Instruction to adopt a general and uniform system of bookkeeping for Township Trustees.

Which was read a first time and passed to a second reading to-morrow.

Mr. Reynolds introduced

Senate bill No. 5. An act to amend the first section of an act entitled "An act to declare abandoned certain unfinished railroads, and to provide for their completion; to declare forfeited the franchises of certain railroad companies, and for the assessment of the values thereof; for the organizations of new companies and for making annual settlements, approved March 11, 1867," and the failure of any companies to have formed the preliminary organizations contemplated by the first section of an act entitled "An act to provide for the organization of railroad companies, approved May 11, 1852," shall not invalidate such organizations if otherwise in conformity to law.

Which was read a first time and passed to a second reading on to-morrow.

Mr. Johnson of Montgomery introduced

Senate bill No. 6. An act to authorize appraisers of real estate to appoint deputies and legalize appointments already made, and to fix the pay of appraisers and deputies.

Which was read a first time and passed to a second reading to-morrow.

Mr. Bellamy introduced

Senate bill No. 7. An act to fix the compensation of appraisers of real estate, authorizing the appointment of deputies, extending the time for making such appraisement, making the appraisement of 1863 the basis of taxation until said appraisement is completed, and repealing all laws in conflict therewith, and declaring an emergency.

Which was read a first time, and passed to a second reading on to-morrow.

Mr. Armstrong introduced

Senate bill No. 8. An act declaring prize fighting a felony, and providing punishment therefor.

Which was read a first time, and passed to a second reading on to-morrow.

Mr. Huffman introduced

Senate bill No. 9. An act to amend section 27 of an act to provide for a general system of common schools, the officers and duties, and matters properly connected therewith, and prescribing the fees for certain officers therein named, and for the establishment and regulation of township Libraries, and to repeal all laws inconsistent therewith, providing penalties therein prescribed, approved March 6, 1865.

Which was read a first time, and passed to a second reading on to-morrow.

Mr. Humphreys introduced

Senate bill No. 10. An act to repeal an act entitled "An Act providing for the redemption of real property, or any interest therein, sold on execution or order of sale, and providing for the issuing of certificates of purchase in such cases, and the execution of conveyances, and repealing all laws in conflict therewith, approved June 4, 1861.

Which was read a first time, and passed to a second reading on to-morrow.

The President appointed the following Standing Committees of the Senate :

ON ELECTIONS.

Messrs. Robinson of Madison, Scott, Case, Stein, Howk, Taggart, and Reynolds.

ON FINANCE.

Messrs. Wolcott, Gray, Jaquess, Morgan, Turner, and Fisher.

ON JUDICIARY.

Messrs. Caven, Rice, Robinson of Madison, Hanna, Howk, Scott, and Stein.

ON EDUCATION.

Messrs. Bellamy, Kinley, Carson, Wood, Stein, Hanna, and Turner.

ON BENEVOLENT INSTITUTIONS.

Messrs. Church, Green, Reynolds, Bradley, Rice, Gifford, and Huffman.

ON AGRICULTURE.

Messrs. Reynolds, Johnson of Montgomery, Robinson of Decatur, Lee, Gifford, Humphreys, and Jaquess.

ON ROADS.

Messrs. Robinson of Decatur, Armstrong, Huey, Hess, Andrews, Johnson of Montgomery, and Johnson of Spencer.

ON CORPORATIONS.

Messrs. Rice, Gray, Green, Hooper, Hanna, Sherrod, and Carson.

ON BANKS.

Messrs. Gray, Wolcott, Hooper, Hamilton, Fisher, Sherrod, and Morgan.

ON MANUFACTURES.

Messrs. Armstrong, Beardsley, Andrews, Johnson of Spencer, Henderson, Lee, and Sherrod

ON PUBLIC PRINTING.

Messrs. Fisher, Hadley, Beardsley, Colley, Taggart, Laselle, and Humphreys.

ON PUBLIC BUILDINGS.

Messrs. Houghton, Colley, Fosdick, Bellamy, Huey, Lee, and Sherrod.

ON PRISONS.

Messrs. Andrews, Armstrong, Houghton, Jaquess, Denbo, Smith, and Johnson of Spencer.

ON CANALS AND INTERNAL IMPROVEMENTS.

Messrs. Cravens, Hughes, Smith, Fisher, Hawk, Armstrong, and Wood.

ON STATE LIBRARY.

Messrs. Wood, Fisher, Bellamy, Henderson, Huffman, Andrews, and Bird.

ON TOWN OF INDIANAPOLIS.

Messrs. Green, Fosdick, Hess, Turner, Taggart, Elliott, and Huey.

ON CLAIMS.

Messrs. Jaquess, Hess, Caven, Denbo, Hooper, Bradley, and Johnson of Montgomery.

ON MILITARY AFFAIRS.

Messrs. Hadley, Jaquess, Kinley, Bird, Hamilton, Sherrod, and Laselle.

ON PHRASEOLOGY, ARRANGEMENT OF BILLS, AND ENROLLED BILLS.

Messrs. Hooper, Colley, Denbo, Hadley, Hanna, Hawk, and Robinson of Madison.

ON UNFINISHED BUSINESS.

Messrs. Elliott, Cravens, Green, Fosdick, Carson, Henderson, and Turner.

ON ORGANIZATION OF COURTS.

Messrs. Stein, Scott, Smith, Hanna, Robinson of Madison, Green and Denbo.

ON FEDERAL RELATIONS.

Messrs. Scott, Cravens, Gifford, Laselle, Robinson of Decatur, Reynolds, and Humphreys.

ON EXPENDITURES.

Messrs. Hughes, Houghton, Beardsley, Lee, Kinley, Armstrong, and Henderson.

ON SWAMP LANDS.

Messrs. Hess, Hamilton, Laselle, Huffman, Gray, Case, and Hadley.

ON TEMPERANCE.

Messrs. Kinley, Rice, Church, Robinson of Decatur, Taggart, Armstrong, and Bradley.

ON COUNTY AND TOWNSHIP BUSINESS.

Messrs. Case, Colley, Hughes, Jaquess, Gifford, Lee, and Denbo.

ON RIGHTS AND PRIVILEGES OF THE INHABITANTS OF THIS STATE.

Messrs. Johnson of Spencer, Caven, Hughes, Stein, Carson, Huffman, and Bradley.

ON EMIGRATION.

Messrs. Fosdick, Church, Johnson of Spencer, Huffman, Lee, Henderson, Andrews, and Scott.

ON CONGRESSIONAL APPORTIONMENT.

Messrs. Hamilton, Hess, Church, Morgan, Cravens, Hadley, Robinson of Madison, Case, Scott, Denbo, and Elliott.

ON LEGISLATIVE APPORTIONMENT.

Messrs. Colley, Bird, Reynolds, Jaquess, Gifford, Green, Beardsley, Hughes, Sherrod, Robinson of Decatur, and Stein.

On motion, by Mr. Gifford, the Senate adjourned.

WEDNESDAY, 2 O'CLOCK P. M.

The Senate met.

The Journal of yesterday was read.

PETITIONS, MEMORIALS AND REMONSTRANCES.

Mr. Colley presented a petition from sundry citizens of Marion county asking the repeal of the Gravel Road Law of 1867.

Which was referred to the committee on roads.

Mr. Wood presented a petition of officers and citizens of Warren county to increase the pay of real estate appraisers.

Which was referred to the committee on county and township business.

The President presented a memorial from sundry citizens of the State asking the revision of the laws regulating the prisons of the State.

Which was referred to the committee on prisons.

On motion of Mr. Cavin, Mr. Kinley was added to the Committee on Prisons.

RESOLUTIONS.

Mr. Green offered the following resolution:

Resolved, That the State Librarian be and is hereby authorized to correspond with the publishers of Wilson's Digest of Parliamentary Law, and learn from them whether or not an order for fifty copies for the Senate can be filled by them, and if so, at what time.

Which was adopted.

Mr. Hooper offered the following resolution:

Resolved, That the eighth standing rule of the Senate be and the same is hereby amended as follows, to-wit: the word twenty-seven in the first line of said rule is hereby stricken out, and the word "twenty-eight" inserted in lieu thereof, and following line fourteen, which reads: "27. On rights and privileges of the inhabitants of the State," the following words are hereby added: "28. On the House of Refuge."

Which was adopted.

Mr. Armstrong offered the following resolution:

Resolved, That two hundred copies of the standing committees and rules and orders of the Senate, be printed for the use of the Senate.

Which was adopted.

Mr. Andrews offered the following resolution:

Resolved, That a special committee of three be appointed, whose duty it shall be to obtain from the Governor, or other officials, the

papers in relation to the Morgan raid, to investigate the subject and report such relief for the sufferers as justice may require.

Which was adopted.

BILLS INTRODUCED.

Mr. Craven introduced

Senate bill No. 11. An act entitled "An act to repeal the seventeenth section of an act entitled an act to incorporate the Firemen and Mechanics' Insurance Company, and declaring an emergency.

Which was read a first time.

Mr. Craven moved that the rules be suspended, the bill considered as engrossed and that it be read a second and third time now.

The ayes and noes were taken under the Constitution.

Those who voted in the affirmative were,

Messrs. Andrews, Armstrong Beardsley, Bellamy, Bradley, Carson, Case, Caven, Colley, Cravens, Denbo, Elliott, Fisher, Gifford, Gray, Green, Hadley, Hamilton, Henderson, Hess, Hooper, Houghton, Huey, Huffman, Jaquess, Johnson of Spencer, Johnson of Montgomery, Kinley, Laselle, Lee, Morgan, Rice, Reynolds, Robinson of Madison, Robinson of Decatur, Scott, Sherrod, Smith, Stein, Taggart, Turner, Wolcott and Wood.—43.

Those who voted in the negative were,

Messrs. Church, Fosdick and Humphreys—3.

So the rules were suspended and the bill was read a second and third times.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Andrews, Armstrong, Beardsley, Bellamy, Bradley, Carson, Case, Caven, Church, Colley, Cravens, Denbo, Elliott, Fisher, Fosdick, Gifford, Gray, Green, Hadley, Hamilton, Hanna, Henderson, Hess, Hooper, Houghton, Henry, Huffman, Humphreys, Jaquess, Johnson of Spencer, Johnson of Montgomery, Kinley, La-

selle, Lee, Morgan, Rice, Reynolds, Robinson of Madison, Robinson of Decatur, Scott, Sherrod, Smith, Stein, Taggart, Turner, Wolcott and Wood—47.

No senator voting in the negative.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

Mr. Robinson of Madison introduced

Senate bill No. 12. An act providing for the publication of all notices required by law to be made in newspapers, and prescribing punishment for the violations thereof.

Which was read a first time, and passed to a second reading on to-morrow.

Mr. Bellamy introduced

Senate bill No. 13. A bill appropriating seventy-five thousand dollars to defray the expenses of the Forty-Sixth session of the General Assembly.

Which was read a first time.

Mr. Bellamy moved that the rules be suspended the bill considered as engrossed, and that it be read a second and third times now.

The ayes and noes were taken under the Constitution.

Those who voted in the affirmative were,

Messrs. Andrews, Armstrong, Beardsley, Bellamy, Bradley, Case, Caven, Church, Colley, Cravens, Denbo, Elliott, Fisher, Gifford, Gray, Green, Hadley, Hamilton, Hess, Hooper, Houghton, Huey, Hughes, Humphreys, Jaquess, Johnson of Spencer, Kinley, Laselle, Lee, Morgan, Rice, Reynolds, Robinson of Madison, Scott, Stein, Taggart, Wolcott and Wood—38.

Those who voted in the negative were,

Messrs. Carson, Fosdick, Hanna, Henderson, Huffman, Johnson of Montgomery, Robinson of Decatur, Sherrod, Smith, and Turner—10.

So the rules were suspended, and the bill was read a second time.

Pending the third reading of the bill, Mr. Fisher moved to amend by striking out all that relates to the pay of officers and employés.

Which was agreed to.

The bill was then read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Andrews, Armstrong, Beardsley, Bellamy, Bradley, Carson, Case, Caven, Church, Colley, Cravens, Denbo, Elliott, Fisher, Fosdick, Gifford, Gray, Green, Hadley, Hamilton, Hanna, Henderson, Hess, Hooper, Houghton, Huey, Huffman, Hughes, Humphreys, Jaquess, Johnson of Spencer, Johnson of Montgomery, Kinley, Laselle, Lee, Morgan, Rice, Reynolds, Robinson of Madison, Robinson of Decatur, Scott, Sherrod, Smith, Stein, Taggart, Turner, Welcott, and Wood—48.

No Senator voting in the negative.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

Mr. Hadley introduced

Senate bill No. 14. An act to amend section one of an act entitled "An act defining who shall be competent witnesses in any court or judicial cause in this State, and to repeal all laws and parts of laws in conflict with the provisions of this act, and declaring an emergency."

Which was read a first time, and passed to a second reading on to-morrow.

Mr. Elliott introduced

Senate bill No. 15. A bill to repeal an act entitled "An act to provide for the protection of fish, defining the time in which they may be trapped, netted, or seined, affixing the penalty for the violation of this act, and declaring an emergency."

Which was read a first time, and passed to a second reading on to-morrow.

Mr. Carson introduced

Senate bill No. 16. An act to repeal an act entitled "An act authorizing the assessment of all lands within one and one-half miles on either side, or within one and one-half miles of the terminus of any plank, macadamized or graveled road organized under and pursuant to an act of the General Assembly of the State of Indiana, entitled 'An act authorizing the construction of plank, macadmized and gravel roads,' approved May 12, 1852, when the subscription to such road amounts to at least eight hundred dollars per mile, and is not sufficient for the completion of the same and the collection of such assessments: *Provided*, The lands are situated within the county in which such road is located."

Which was read a first time, and passed to a second reading on to-morrow.

Mr. Gray introduced

Senate bill No. 17. An act to regulate the sale of patent rights, and to prevent fraud in connection therewith.

Which was read a first time, and passed to a second reading on to-morrow.

Mr. Reynolds introduced

Senate bill No. 18. An act empowering colleges and other institutions of learning to hold and enjoy real estate.

Which was read a first time, and passed to a second reading on to-morrow.

Mr. Turner introduced

Senate bill No. 19. An act to amend the three hundred and ninety-seventh section of an act entitled "An act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity," approved June 18, 1852.

Which was read a first time, and passed to a second reading on to-morrow.

Mr. Green introduced

Senate bill No. 20. A bill to tax costs in cases where surety in

the bond of any guardian, executor or administrator shall apply to be released as such surety.

Which was read a first time, and passed to a second reading on to-morrow.

Mr. Denbo introduced

Senate bill No. 21. An act to amend section ten of an act touching official bonds and oaths.

Which was read a first time, and passed to a second reading on to-morrow.

Mr. Beardsley introduced

Senate bill No. 22. A bill to regulate interest on judgments and decrees.

Which was read a first time, and passed to a second reading on to-morrow.

Mr. Stein introduced

Senate bill No. 23. To provide for procuring the statistics of marriages and divorces, and prescribing the duties of judges, clerks and the Secretary of State in relation thereto.

Which was read a first time, and passed to a second reading on to-morrow.

Mr. Carson introduced

Senate bill No. 24. An act to amend section numbered seventy-eight of an act entitled "An act to revise, simplify and abridge the rules, practice, pleadings and forms in criminal actions in the courts of this State," approved June 17, 1852.

Which was read a first time, and passed to a second reading on to-morrow.

Mr. Caven introduced

Senate bill No. 25. An act concerning witnesses, and the examination of witnesses in criminal actions.

Which was read a first time, and passed to a second reading on to-morrow.

Mr. Church introduced

Senate bill No. 26. A bill fixing the salaries of Common Pleas

judges, repealing all laws in conflict therewith, and declaring an emergency.

Which was read a first time, and passed to a second reading on to-morrow.

Mr. Beardsly introduced

Senate bill No. 27. An act authorizing the Bristol Hydraulic Company to erect a dam across the St. Joseph river at or near Bristol.

Which was read a first time, and referred to the Committee on Corporations.

Mr. Caven introduced

Senate bill No. 28. An act to amend the twenty-seventh section of an act providing who may make a will, the effect thereof, what may be devised, regulating the admission to probate and contest thereof; approved May 31, 1852.

Which was read a first time, and referred to the Committee on the Judiciary.

Mr. Turner introduced

Senate bill No. 29. An act to amend the seventieth section of an act entitled "An act providing for the election and qualification of justices of the peace, and defining their jurisdiction, powers and duties in civil cases;" approved June 9, 1852.

Which was read a first time, and referred to the Committee on the Judiciary.

Mr. Caven introduced

Senate bill No. 30. An act supplemental to an act to authorize the formation of companies for the construction of water works in and for incorporated cities, to enable such cities to subscribe stock in such companies, and to issue and sell bonds for the payment thereof; approved March 6, 1865.

Which was read a first time, and referred to the Committee on Corporations.

Mr. Wolcott introduced

Senate bill No. 31. A bill to extend the provisions of an "Act

to authorize and provide for a change of venue in civil actions in certain cases," to all civil actions.

Which was read a first time.

Mr. Wolcott moved that the rules be suspended, the bill be considered as engrossed, and that it be read a second and third times now.

The ayes and noes were taken under the Constitution.

Those who voted in the affirmative were,

Messrs. Beardsly, Bradley, Caven, Church, Colley, Cravens, Eliott, Fisher, Fosdick, Gifford, Gray, Green, Hamilton, Hess, Hooper, Houghton, Huffman, Hughes, Jaquess, Johnson of Spencer, Kinley, Laselle, Morgan, Rice, Reynolds, Robinson of Madison, Scott, Stein, Wolcott and Wood—30.

Those who voted in the negative were,

Messrs. Andrews, Armstrong, Carson, Case, Denbo, Hadley, Hanna, Henderson, Huey, Humphreys, Johnson of Montgomery, Morgan, Robinson of Decatur, Sherrod, Taggart and Turner—16.

So the rules were not suspended.

The bill was referred to the Committee on the Judiciary.

Mr. Robinson of Madison introduced

Senate bill No. 32. An act to fix the time of holding courts in the 17th Judicial Circuit, repealing all other laws on the same subject, and declaring when the same shall take effect.

Which was referred to a select committee of three, consisting of Messrs. Robinson of Madison, Green and Armstrong.

Mr. Wolcott introduced

Senate bill No. 33. An act requiring certain officers of the State to make reports, and providing for the publication thereof.

Which was read a first time, and referred to the Committee on the Judiciary.

ORDERS OF THE DAY.

MESSAGES FROM THE HOUSE.

The following message from the House was taken up.

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bills thereof, to-wit:

House bill No. 1. A bill to fix the times of holding the courts in the 20th Judicial District.

House bill No. 2. A bill fixing the time of holding Circuit Courts in the several counties composing the 4th Judicial Circuit, and declaring an emergency.

In which the concurrence of the Senate is respectfully requested.

House bill No. 1, contained in the foregoing message, was read a first time, and referred to a select committee consisting of Messrs. Carson, Bird and Smith.

House bill No. 2, contained in the foregoing message, was read a first time, and referred to a select committee consisting of Messrs. Gifford, Elliott, Robinson of Decatur, and Hess.

SENATE BILLS ON SECOND READING.

Senate bill No. 3. An act to repeal section one of an act entitled "An act in relation to applying certain funds therein named to the payment of the public debt and raising a revenue for the support of common schools, and to repeal all laws in conflict therewith," approved March 9, 1861, and to legalize all taxes levied and assessed under the provisions of said act.

Was read a second time by its title, and referred to the Committee on Finance.

Senate bill No. 4. An act authorizing the Superintendent of Public Instruction to adopt a general and uniform system of book-keeping for Township Trustees.

Was read a second time by its title, and referred to the Committee on County and Township Business.

Senate bill No. 5. An act to amend the first section of an act entitled "An act to declare abandoned certain unfinished railroads, and to prescribe for their completion; to declare forfeited the franchises of certain railroad companies, and for the assessment of the values thereof; for the organizations of new companies and for making annual settlements, approved March 11, 1867," and the failure of any company to have formed the preliminary organizations contemplated by the first section of the act entitled "An act to provide for the organization of railroad companies, approved May 11, 1852," shall invalidate such organizations if otherwise in conformity with the same.

Was read by its title a second time, and referred to the Committee on Corporations.

Senate bill No. 6. An act to authorize appraisers of real estate to appoint deputies and legalize appointments already made, and to fix the pay of appraisers and deputies.

Was read a second time by its title, and referred to the Committee on County and Township Business.

Senate bill No. 7. An act to fix the compensation of appraisers of real estate, authorizing the appointment of deputies, extending the time for making such appraisement, making the appraisement of 1863 the basis of taxation until said appraisement is completed, and repealing all laws in conflict therewith, and declaring an emergency.

Was read a second time by its title, and referred to the Committee on County and Township Business.

Senate bill No. 8. An act declaring prize fighting a felony, and prescribing the punishment therefor.

Was read a second time by its title, and referred to the Committee on the Judiciary.

Senate bill No. 9. An act to amend section 27 of an act to provide for a general system of common schools, the officers and duties, and matters properly connected therewith, and prescribing the fees for certain officers therein named, and for the establishment and regulation of township Libraries, and to repeal all laws inconsistent therewith, providing penalties therein prescribed.

Was read a second time by its title, and referred to the Committee on Education.

Senate bill No. 10. An act to repeal an act entitled "An Act providing for the redemption of real property, or any interest therein, sold on execution or order of sale, and providing for the issuing of certificates of purchase in such cases, and for the execution of conveyances, and repealing all laws in conflict therewith, approved June 4, 1861.

Was read a second time by its title, and referred to the Committee on the Judiciary.

Mr. Johnson of Montgomery offered the following resolution:

Resolved, That when the Senate adjourn this evening, it adjourn to meet at 10 o'clock to-morrow morning.

Mr. Gray moved to lay the resolution on the table.

Which was not agreed to.

The resolution was then adopted.

A message from the Governor, by Capt. Commons, his private secretary.

Gentlemen of the Senate :

In response to the resolution of the Senate passed yesterday, and communicated to me this morning, relative to a supposed correspondence between Lieutenant Governor Cumback and myself, I beg leave to say that I have not written a line to the gentleman named, or to any other person, that I am not willing should be published to the world; but I have written nothing to him and he has written nothing to me which I feel at liberty to publish without his full authority, unequivocally expressed.

Your resolution declares that his authority has been given, but lest there may be a misunderstanding in relation to the matter, I have concluded that my duty, under the delicate circumstances in which I am placed, would be best performed by placing copies of the correspondence at the control of Lieut. Governor Cumback.

I therefore, simultaneously with the sending in of this communication, will cause to be placed in the hands of the Senator from Parke a sealed package, addressed to Lieutenant Governor Cum-

back, which contains copies of the correspondence. If there is no misunderstanding or mistake about the authority stated in your resolution, copies may be laid before the Senate. If there is any misunderstanding or mistake, Lieutenant Governor Cumbach will have the copies under his own control, and can do with them whatever he may judge to be proper.

CONRAD BAKER.

EXECUTIVE CHAMBER, Jan. 13, 1869.

Mr. Robinson of Madison in the Chair.

Mr. Craven moved that the message be referred to a committee of the whole Senate, and that it be made the special order for tomorrow at 10½ o'clock, A. M.

Which was agreed to.

The President laid before the Senate the papers of Mr. Lafayette Crane, contesting the seat of Hon. James Bradley, Senator from the counties of Laporte and Starke.

Which were referred to the Committee on Elections.

Mr. Scott submitted the report of the Trustees of the Wabash and Erie canal.

On motion by Mr. Bellany, the Senate adjourned.

THURSDAY MORNING, 10 o'clock, {
January 13, 1869. }

The Senate met.

The Journal of yesterday was read.

By unanimous consent of the Senate, the order of business was suspended and Mr. Bellamy, chairman of select committee, made the following report:

MR. PRESIDENT:

The select committee appointed to refer the different portions of the Governor's message to appropriate committees, have instructed me to make the following report:

The part referring to the late Ex-Governor Joseph A. Wright, to a select committee of three.

The public debt of the State, State Debt Sinking Fund, and assessment and taxation, to the Committee on Finance.

Adjutant General's report, Quartermaster General's report, State Paymaster's report, and war claims against the United States, to the Committee on Military Affairs.

Building for Supreme Court and State offices, to the Committee on Public Buildings.

Morgan Raid Commission, to the special committee on that subject.

Benevolent Institutions, to the Committee on Benevolent Institutions.

Soldiers' and Seamen's Home, to the Committee on the Rights and Privileges of the Inhabitants of this State.

House of Refuge, to the Committee on House of Refuge.

Penitentiaries, to the Committee on State Prisons.

Criminal Law and Practice, to the Committee on the Judiciary.

Courts, to Committee on Organization of Courts.

Agriculture and the Agricultural College, to the Committee on Agriculture.

Common Schools, Normal Schools, and education of colored children, to the Committee on Education.

Portraits of Ex-Governors, to the Committee on State Library.
Which report was concurred in.

Leave of absence was granted to Mr. Scott.

A message from the House by Mr. Merwin, their clerk.

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bill thereof, to-wit :

House bill No. 32. A bill to provide for specific appropriations for legislative expenses.

In which the concurrence of the Senate is respectfully solicited.

Also, that the House has passed, without amendment, the concurrent resolution of the Senate concerning the printing of the Governor's message.

Mr. Rice laid before the Senate the following communication from Lieut. Governor Will Cumback, enclosing a copy of his letter to Governor Baker, dated January 6, 1868, to-wit :

SENATE CHAMBER, Jan. 14, 1869.

GENTLEMEN OF THE SENATE :

I herewith place at the disposal of the Senate a copy of the only letter I ever wrote Governor Baker containing any suggestion touching my appointment to a prospective vacancy in the United States Senate. While I do not deny that Governor Baker did not accede to the suggestion contained in said letter, yet I do not deem it "proper" to lay before the Senate the private letter received from him.

I am, gentlemen,

Your obedient servant,

WILL CUMBACK.

Copy of letter of Cumback to Baker. Envelope endorsed "private."

GREENSBURG, IND., Jan. 6, 1868.

GOV. BAKER :

DEAR FRIEND :—If I had not a thousand things to demand my attention this week, I would come up and see you. I will there-

fore venture to make this suggestion: I think Hendricks will be chosen by the Democrats, and he will certainly (if he intends to inspire hope of success among his friends) resign his position. The person appointed by you will, other things being equal, stand the best chance to be chosen by our Legislature. If you will assure me of the appointment, I will withdraw from the contest for any position on the State ticket and take the position of elector at our State Convention. If this proposition does not meet with your approbation, please return this letter to me. Let me have your reply at an early day. I do most earnestly hope for the unity of the Republican party.

I am, as ever, your friend,

WILL CUMBACK.

Mr. Fisher presented the following communication from His Excellency, Gov. Baker:

INDIANAPOLIS, Jan. 13, 1869.

HON. STEARNS FISHER:

DEAR SIR:—As it is possible that a part of the correspondence called for by the Senate may be produced without producing it all, I think it due to myself that some Senator should be informed of the number of letters comprised in the entire correspondence. I therefore, without indicating the contents of any of the letters, say to you that there were four in all, dated as follows, viz: One from Col. Cumback to me, dated January 6, 1868: my reply thereto, dated January 8, 1868. One from Colonel Cumback to me, dated February 21, 1868, and my reply thereto, dated February 22, 1868. If Col. Cumback's letter to me of January 6, 1868, should be read without my reply being produced, I shall not insist (as its language might be deemed harsh) on its production; but in that case you will please say that my reply was an indignant rejection of the proposition. I enclose, in a separate envelope, copies of the letters of February 21 and February 22, before mentioned. This envelope you will please return to me unopened, unless a part of the correspondence is produced without producing it all. In the last named event you will, in addition to saying for me what I have before indicated, lay before the Senate the copies of the letters of Feb. 21 and Feb. 22, 1868, enclosed in the separate envelope.

If all the correspondence shall be produced, or if none of it shall be submitted, you will have no occasion to act in the matter, and

in either case will return the envelope containing the copies to me.

If it becomes necessary for you to take any action, you can either read this communication to the Senate, or make your own statement of its contents.

Yours truly,

CONRAD BAKER.

GREENSBURGH, IND., Feb. 21, 1868.

GOVERNOR BAKER:

DEAR SIR:—As we are engaged in a common cause and on the same ticket, it is of the utmost importance that our relations should be friendly.

If, therefore, you will return the note I wrote you January 6, and withdraw the reply you made, I will then, if you desire it, make a full explanation of the reasons that induced me to write it, that I will hope may mend the breach between us.

No one, as yet, knows from me that there is any feeling of an unpleasant character between us.

I am your obedient servant,

(Copy.)

WILL CUMBACK.

INDIANAPOLIS, Feb. 22, 1868.

HON. WILL CUMBACK, Greensburgh, Indiana:

SIR:—Your communication of yesterday is before me. In reply, I beg leave to say that the relations of the parties alluded to are not such, in my judgment, as to prevent either of them from doing his whole duty to the public in the position assigned him. If the matter proposed to be explained is believed to be susceptible of explanation, the explanation should be made without the conditions suggested. For such a purpose opportunity will be afforded, if desired.

The return of the one paper, and the withdrawal of the other, could not change the facts, but would be pregnant with an implication that the party who really thinks he did no wrong had changed his opinion.

I have the honor to be

Your obedient servant,

(Copy.)

CONRAD BAKER.

Mr. Hughes moved that the letter of Lieut. Gov. Cumback, the letter of Gov. Baker, and accompanying letters, be referred to the Committee of the Whole Senate.

Which was agreed to.

SPECIAL ORDER.

The hour having arrived, the Senate resolved itself into a Committee of the Whole Senate, having under consideration, as the special order, the message of his Excellency, Gov. Conrad Baker, on the subject of a correspondence between him and Lieut. Gov. Cumback.

Mr. Bellamy in the chair.

After some time spent in the consideration of the message, the committee rose, and, through its chairman, made the following report:

MR. PRESIDENT:

The Committee of the Whole Senate have had under consideration the message of Gov. Baker and accompanying correspondence, and have instructed me to report progress and ask leave to sit again, at 2 o'clock, P. M.

Which report was concurred in, and leave to sit again was granted.

Mr. Hughes moved that the Governor be requested to lay before the Senate the letter to Lieut. Gov. Cumback referred to in the communication presented by Mr. Fisher.

Pending which, on motion by Mr. Sherrod,

The Senate adjourned.

THURSDAY, 2 O'CLOCK P. M.

The Senate met.

By unanimous consent of the Senate the special order of business was suspended.

Mr. Stein introduced the following resolution:

Resolved, That, with the rules of the Senate, there be printed

the letter of Gov. Baker, addressed to O. M. Wilson, the author of a Digest of Parliamentary Law, touching the Constitutional provisions of legislation in reference to bills and joint resolutions, and other matters pertaining to proper legislation..

Which was adopted.

By consent of the Senate, the order of business was suspended, and Mr. Green offered the following resolution:

WHEREAS, The Daily Evening Mirror, a newspaper published in the City of Indianapolis, has, at various times, asserted that the State Printer has charged more for work done than is contemplated by the law or laws authorizing the same, therefore be it

Resolved, That a committee of three be appointed to investigate the accounts of the State Printer, and that said committee have power to send for persons and papers.

Which was adopted, and the President appointed Messrs. Green, Robinson of Madison, and Turner said committee.

The Senate resumed the consideration of the motion of Mr. Hughes, pending at adjournment.

Mr. Robinson of Madison in the chair.

The motion was agreed to.

On motion by Mr. Rice, the Senate resolved itself into a committee of the whole Senate, with the matter pending when the committee rose, under consideration.

Mr. Bellamy in the chair.

Pending the discussion, in the committee of the whole Senate a message from the Governor was announced.

Mr. Robinson took the chair, and the following message and accompanying letter were read and referred to the Committee of the Whole Senate.

EXECUTIVE DEPARTMENT, }
Indianapolis, January 14, 1869. }

GENTLEMEN OF THE SENATE:

In response to the resolution of the Senate, a copy of which has just been delivered to me, I herewith respectfully transmit a copy of the letter alluded to in that resolution.

CONRAD BAKER.

INDIANAPOLIS, Jan. 8, 1868.

HON. WILL. CUMBACK, Greensburgh, Ind.

SIR:—Your communication of the 6th inst. was received, and absence from the city prevented an immediate reply. The proposition is corrupt and indecent, and I feel humiliated that any human being should measure me by so low a standard of common morality as to make it.

I have the honor to be,

Your obedient servant,

(Copy.)

CONRAD BAKER.

The Senate again resolved itself into a Committee of the Whole Senate.

Mr. Bellamy in the chair.

After some time spent in the discussion of the subject, the committee rose and, through its chairman, made the following report:

MR. PRESIDENT :

The Committee of the Whole Senate have had His Excellency, the Governor's message, and accompanying letters, under consideration, and have instructed me to report progress and ask leave to sit again.

Which report was concurred in, and leave was granted to the committee to sit again.

Mr. Robinson of Madison in the chair.

Mr. Johnson of Spencer moved that the Senate do now adjourn.

The ayes and noes were demanded by five Senators.

Those who voted in the affirmative were,

Messrs. Armstrong, Bellamy, Case, Hamilton, Johnson of Spencer, Taggart and Wood—7.

Those who voted in the negative were,

Messrs. Andrews, Beardsley, Bradley, Carson, Caven, Church, Cravens, Denbo, Elliott, Fisher, Fosdick, Gifford, Gray, Green, Hadley, Hanna, Henderson, Hess, Hooper, Houghton, Huey, Huff-

man, Hughes, Humphreys, Jaquess, Johnson of Montgomery, Kinley, Laselle, Lee, Morgan, Rice, Reynolds, Robinson of Madison, Robinson of Decatur, Sherrod, Smith, Stein, Turner and Wolcott—39.

So the motion to adjourn did not prevail.

On motion by Mr. Hughes, the Senate again resolved itself into a Committee of the Whole Senate with the message of the Governor and accompanying letters under consideration.

Mr. Bellamy in the Chair.

After some time spent in discussion the Committee rose and through its Chairman made the following report :

Mr. Robinson of Madison, in the Chair.

MR. PRESIDENT :

The Committee of the Whole Senate have had the message of the Governor and accompanying letters under consideration and have instructed me to report progress, ask leave to sit again, and to present the following appeal from the decision of the Chairman of the Committee of the Whole Senate.

Which report was concurred in.

From the ruling of the Chair in deciding the resolution of the Senator from Tippecanoe, an amendment to the resolution of the Senator from White, we appeal to the Senate.

T. N. RICE,
F. CHURCH.

The question being, shall the decision of the Chairman of the Committee of the Whole Senate stand as the judgment of the Senate ?

The ayes and noes were demanded by Messrs. Hughes and Stein.

Those who voted in the affirmative were,

Messrs. Andrews, Beardsley, Bellamy, Bradley, Cravens, Denbo, Fisher, Gifford, Green, Hanna, Henderson, Hess, Hooper, Houghton, Huey, Huffman, Humphreys, Johnson of Montgomery, Kinley, Laselle, Lee, Morgan, Reynolds, Sherrod, Stein, and Taggart—26.

Those who voted in the negative were,

Messrs. Armstrong, Carson, Case, Caven, Church, Elliott, Fosdick, Gray, Hadley, Hamilton, Hughes, Jaquess, Johnson of Spencer, Rice, Robinson of Madison, Robinson of Decatur, Smith, Turner, Wolcott and Wood—20.

So the decision of the Chairman of the Committee of the Whole Senate was sustained.

On motion by Mr. Hughes, the Senate again resolved itself into a Committee of the Whole Senate, with the message of the Governor and accompanying letters under consideration.

Mr. Bellamy in the chair.

After some time spent in discussion, the committee rose and, through its Chairman, made the following report:

MR. PRESIDENT:

The Committee of the Whole Senate have had under consideration the message of the Governor, and have instructed me to report progress and ask leave to sit again.

Which report was concurred in, and leave was granted to the committee to sit again.

Mr. Robinson in the Chair.

Mr. Church moved that the Senate do now adjourn.

The ayes and noes were demanded by one-tenth of the Senate.

Those who voted in the affirmative were,

Messrs. Andrews, Armstrong, Beardsley, Bellamy, Case, Caven, Church, Elliott, Fosdick, Gray, Green, Hadley, Hamilton, Houghton, Jaquess, Johnson of Spencer, Rice, Robinson of Madison, Robinson of Decatur, Smith, Wolcott, and Wood—22.

Those who voted in the negative were,

Messrs. Bradley, Carson, Cravens, Denbo, Fisher, Gifford, Hanna, Henderson, Hess, Hooper, Huey, Huffman, Hughes, Humphreys, Johnson of Montgomery, Kinley, Laselle, Lee, Morgan, Reynolds, Sherrod, Stein, Taggart, and Turner—24.

So the motion to adjourn did not prevail.

On motion by Mr. Sherrod, the Senate adjourned.

FRIDAY AFTERNOON, 2 O'CLOCK, }
January 15, 1869. }

The Senate met, the Journal of yesterday was read.

Mr. Hughes gave notice of a motion to reconsider the vote by which the Senate concurred in the report of the select committee to apportion the Governor's message to appropriate committees.

PETITIONS, MEMORIALS AND REMONSTRANCES.

Mr. Stein presented a remonstrance of W. D. Lee and others, against the repeal of the gravel Road Law.

Which was referred to the Committee on Roads.

Mr. Gray presented a petition from sundry citizens of Indiana asking that the General Assembly provide for the erection of a suitable prison for women.

Which was referred to the Committee on Prisons.

Mr. Caven presented the claim of James Blake for services and expenses as Commissioner on behalf of the State of Indiana of the Board of Managers of the Soldiers' National Cemetery at Gettysburg, Pennsylvania, for the past two years.

Which was referred to the Committee on Claims.

REPORTS OF SELECT COMMITTEES.

Mr. Robinson of Madison, Chairman of a Select Committee, made the following report:

MR. PRESIDENT:

The Select Committee to whom was referred Senate bill No. 32 entitled "an act to fix the time of holding courts in the 17th Judicial Circuit, repealing all other laws on the same subject and declaring when it shall take effect," have had the same under consideration, and have directed me to report the same back to the Senate and recommend its passage.

Which report was concurred in.

Mr. Robinson of Madison, moved that the rules be suspended and the bill read a third time now.

The ayes and noes were taken under the Constitution.

Those who voted in the affirmative were,

Messrs. Andrews, Armstrong, Beardsley, Bellamy, Bradley, Carson, Case, Caven, Church, Cravens, Denbo, Elliott, Fisher, Fossdick, Gifford, Gray, Green, Hadley, Hamilton, Henderson, Hess, Houghton, Huey, Huffman, Humphreys, Jaquess, Johnson of Spencer, Johnson of Montgomery, Kinley, Lasselle, Lee, Morgan, Rice, Reynolds, Robinson of Madison, Robinson of Decatur, Scott, Smith, Stein, Turner and Wood—41.

Those who voted in the negative were,

Messrs. Hooper, Hughes and Taggart—3.

So the rules were suspended and the bill was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Andrews, Armstrong, Beardsley, Bellamy, Bradley, Carson, Case, Caven, Church, Cravens, Denbo, Elliott, Fisher, Fossdick, Gifford, Gray, Green, Hadley, Hamilton, Henderson, Hess, Hooper, Houghton, Huey, Huffman, Hughes, Humphreys, Jaquess, Johnson of Spencer, Johnson of Montgomery, Kinley, Lasselle, Lee, Morgan, Rice, Reynolds, Robinson of Madison, Scott, Sherrod, Smith, Stein, Taggart, Turner and Wood—45.

No Senator voting in the negative.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

RESOLUTIONS.

Mr. Armstrong offered the following resolution:

Resolved, That a Committee of three be appointed on mileage and accounts.

Which was adopted and the President appointed Messrs. Armstrong, Elliott and Huey, said Committee.

Mr. Bellamy introduced the following resolution :

Resolved, That the Librarian be instructed to furnish the Secretary, Assistant Secretary, and Doorkeeper of the Senate, each three dollars, and the President of the Senate six dollars worth of postage stamps.

Pending which, on motion by Mr. Stein, a call of the Senate was ordered.

The Secretary proceeded with the call.

The following Senators answered to their names :

Messrs. Andrews, Armstrong, Beardsley, Bellamy, Bradley, Carson, Case, Caven, Church, Cravens, Denbo, Elliott, Fisher, Fossdick, Gifford, Gray, Green, Hadley, Hamilton, Henderson, Hess, Hooper, Houghton, Huey, Huffman, Hughes, Humphreys, Jaquess, Johnson of Spencer, Johnson of Montgomery, Kinley, Lasselle, Lee, Morgan, Rice, Reynolds, Robinson of Madison, Robinson of Decatur, Scott, Sherrod, Smith, Stein, Taggart, Turner, Wolcott and Wood—45.

On motion by Mr. Cravens, the further call of the Senate was dispensed with.

The resolution was then adopted.

Mr. Johnson of Montgomery offered the following resolution :

Resolved, That the Committee on the Judiciary, to whom was referred the petition of the Hon. William H. Montgomery, member elect from the counties of Martin, Dubois and Pike, asking that he be admitted to a seat as a member of this Senate, be instructed to inquire into the matters contained in said petition, and report to the Senate at their earliest convenience.

Which was referred to the Committee on the Judiciary.

Mr. Kinley offered the following concurrent resolution :

Be it resolved by the Senate, the House of Representatives concurring, That Charles F. Coffin, of Richmond, Indiana, and Z. V.

Brockway, of Detroit, Michigan, be invited to address the General Assembly at as early a day as practicable, on the subject of prison reform, and that the Secretary of the Senate be instructed to inform the parties of this action of the General Assembly.

Which was adopted.

A message from the House by Mr. Merwin, clerk thereof.

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bill thereof, to-wit :

House bill No. 10. A bill in relation to the settlement of decedents' estates.

Also, that the House has passed a concurrent resolution concerning the printing of the report of the Morgan Raid Commission, which is herewith transmitted.

In all of which the concurrence of the Senate is respectfully requested.

Mr. Robinson of Madison in the chair.

On motion by Mr. Stein, the Senate resolved itself into a Committee of the Whole Senate, with the message of Governor Baker on the subject of the correspondence between him and Lieut. Gov. Cumback under consideration.

Mr. Bellamy in the chair.

Pending the consideration of the message and accompanying correspondence, the following appeal from the decision of the Chairman of the Committee of the Whole Senate, was taken to the Senate.

Mr. Robinson of Madison in the chair.

From the decision of the Chair in declaring the resolution offered as a substitute for the resolution offered by the Senator from White, and amended by the resolutions of the Senator from Tippecanoe, as offered by the Senator from Randolph, out of order, we appeal.

J. P. GRAY,
T. N. RICE,
T. C. JAQUESS.

The question being, shall the decision of the Chairman of the Committee of the Whole Senate stand as the judgment of the Senate?

Mr. Johnson of Montgomery moved to lay the appeal upon the table.

Which was agreed to.

On motion by Mr. Cravens, the Senate resolved itself into a Committee of the Whole Senate, for the consideration of the message of Governor Baker, and the accompanying correspondence, with instructions from the Senate to report in five minutes.

Mr. Bellamy in the chair.

After some time spent in the discussion of the subject, the committee rose and, through its Chairman, made the following report:

MR. PRESIDENT:

The Committee of the Whole Senate, to whom was referred the message of His Excellency, Governor Baker, and the accompanying correspondence, have had the same under consideration, and have instructed me to report the following resolutions, and recommend their adoption; also to recommend that they be made the special order for next Tuesday, at 2½ o'clock, P. M.

Which report was concurred in.

Resolved, That the appointing power, vested by the Constitution of the State in the Governor, is a high and sacred trust, to be exercised exclusively for the honor and welfare of the whole people of Indiana, and that any attempt to prevent the honest discharge of this trust is in derogation of their rights, and merits their severest condemnation.

Resolved, That in the opinion of the Senate, the letter of Will Cumback, the present Lieut. Governor of this State, dated Jan. 6, 1868, and addressed to Gov. Baker, embodies an improper attempt to tamper with the integrity and destroy the independence of the appointing power vested in the Governor.

Resolved further, That in the opinion of the Senate, the action of Governor Baker, in promptly repelling the dishonorable proposition contained in said letter of Will Cumback, commends itself to all good citizens as a just example of the conduct which should

ever characterize the repository of the appointing power in our system of government.

Mr. Church offered the following resolution :

Resolved, That when the Senate adjourn it be till Monday at 2 o'clock, P. M.

Which was adopted.

Leave of absence was granted to Messrs. Smith and Armstrong, and the Assistant Secretary and Doorkeeper.

On motion by Mr. Gifford, the Senate adjourned.

MONDAY AFTERNOON, 2 O'CLOCK, }
January 18, 1869. }

The Senate met.

The Journal of Friday was read.

Mr. Bird presented the following petition from sundry citizens of Allen county, asking the repeal of the Macadamized and Gravel Road Law.

Which was referred to the Committee on Roads.

By consent of the Senate, the following message from the House was taken up.

MR. PRESIDENT :

I am directed by the House of Representative to inform the Senate, that the House has passed, with the accompanying House amendments thereto attached, the following Senate bill to-wit :

Senate bill No. 1. "A bill to fix the time of holding the Courts of Common Pleas in the Fourteenth Judicial District of the State of Indiana, and other matters properly connected therewith."

Engrossed amendments of the House of Representatives to Senate bill No. 1.

After the words "county of Grant," in the first section, strike out the words "on the fourth Mondays of March, July and October," and insert the words, "on the second Monday of April, the ourth Monday of July, and the second Monday of November."

The amendments of the House contained in the foregoing message from the House, were concurred in by the Senate.

Ordered, That the Secretary inform the House thereof.

PETITIONS, MEMORIALS AND REMONSTRANCES.

Mr. Bird presented the petition of sundry citizens of Allen county, asking the repeal of the Gravel Road Law.

Which was referred to the Committee on Roads.

Mr. Hadley presented the petition of sundry citizens of the State of Indiana, asking for such legislation as will remove the evil growing out of railroad combinations, and fix a limit to the unjust discrimination practiced in local freight and passenger business.

Which was referred to the Committee on Corporations.

REPORTS OF STANDING COMMITTEES.

Mr. Caven from the Judiciary Committee, submitted the following report:

MR. PRESIDENT:

The Committee on the Judiciary to whom was referred Senate bill No. 10, entitled "an act to repeal an act entitled an act providing for the redemption of real property or any interest therein sold on execution or order of sale, and providing for the issuing of certificates of purchase in such cases and for the execution of conveyances, and repealing all laws in conflict therewith, approved June 4, 1861," beg leave to report that they have had the same under consideration and have instructed me to report the same back to the Senate and recommend its passage with the following amendment, viz: after the word "repealed" in the 14th line of section one, add these words: "*Provided* such repeal shall not affect the rights of parties to judgments rendered previous to the passage of this act."

Which report was concurred in and the amendment adopted.

REPORTS OF SELECT COMMITTEES.

Mr. Gifford from a Select Committee made the following report:

MR. PRESIDENT:

The Select Committee composed of the members representing the counties of Franklin, Fayette, Union, Rush, Shelby, Decatur and Dearborn, to whom was referred House bill No. 2, "an act fixing the time of holding Circuit Courts in the several counties composing the Fourth Judicial Circuit, and declaring an emergency," have had the same under consideration, and after due examination, have instructed me to report it back and recommend its passage.

Which report was concurred in.

RESOLUTIONS.

Mr. Bellamy offered the following resolution :

Resolved, That the Committees on Judiciary and Education be each allowed a Clerk.

Which was agreed to.

BILLS INTRODUCED.

Mr. Bradley introduced

Senate bill No. 34. A bill concerning the laying out of highways across railroads.

Which was read a first time, and referred to the Committee on Roads.

Mr. Scott introduced

Senate bill No. 35. An act in relation to docket fees, and declaring an emergency.

Which was read a first time and referred to the Committee on Organization of Courts.

Mr. Kinley introduced

Senate bill No. 36. A bill prohibiting the retail of intoxicating liquors to be used as a beverage, and repealing all conflicting laws.

Which was read a first time and referred to the Committee on Temperance.

Mr. Gray introduced

Senate bill No. 37. An act to amend the 2d section of an act defining who shall be competent witnesses in any court or Judicial proceeding in the State, and to repeal all laws and parts of laws in conflict with the provisions of this act, approved March 11th, 1867. •

Which was read a first time and referred to the Committee on the Judiciary.

Mr. Bellamy introduced

Senate bill No. 38. An act abolishing April elections and declaring where township officers shall be elected and the terms of certain officers.

Which was read a first time and referred to the Committee on County and Township Business.

Mr. Green introduced

Senate bill No. 39. A bill to amend the 25th section of "an act regulating descents and the apportionment of estates," approved March 14th, 1852.

Which was read a first time and referred to the Committee on the Judiciary.

Mr. Howk introduced

Senate bill No. 40. An act to repeal the 44th and 82d sections, and to amend the 81st and 93d sections of an act to revise, simplify and abridge the rules, practice, pleadings and forms, in criminal actions in the courts of this State, approved June 17th, 1852, and to regulate the practice as to continuances and changes of venue in criminal actions in the courts of this State.

Which was read a first time and referred to the Committee on the Organization of Courts.

Mr. Scott introduced

Senate bill No. 41. A bill relating to appeals to the Supreme Court.

Which was read a first time and referred to the Committee on the Organization of Courts.

Mr. Hadley introduced

Senate bill No. 42. An act to amend section 19 of an act entitled "An act to provide for the opening, vacating, and change of highways."

Which was read a first time, and referred to the Committee on Roads.

Mr. Bradley introduced

Senate bill No. 43. A bill to facilitate the making up the issues in civil actions.

Which was read a first time, and referred to the Committee on the Judiciary.

Mr. Denbo introduced

Senate bill No. 44. A bill to limit the time for commencing

actions for the recovery of land sold for taxes, and repealing all laws in conflict therewith, and declaring an emergency.

Which was read a first time, and referred to the Committee on the Judiciary.

Mr. Scott introduced

Senate bill No. 45. A bill relating to the salaries of the Judges of the Supreme, Circuit, Civil and Criminal Circuit and Common Pleas Courts, and declaring an emergency.

Which was read a first time, and referred to the Committee on the Judiciary.

Mr. Caven introduced

Senate bill No. 46. An act to provide for the detection and arrest of felons.

Which was read a first time, and referred to the Committee on the Judiciary.

Mr. Caven introduced

Senate bill No. 47. An act to enable cities to aid in the construction of railroads.

Which was read a first time, and referred to the Committee on Corporations.

Mr. Bellamy introduced

Senate bill No. 48. An act providing for the protection of the banks of water courses, by securing the bushes growing along said banks from the ravages of stock.

Which was read a first time, and referred to the Committee on Roads.

Mr. Caven introduced

Senate bill No. 49. An act to authorize the City of Indianapolis to occupy as parks certain lands belonging to the State of Indiana.

Which was read a first time, and referred to the Committee on Benevolent Institutions.

Mr. Kinley introduced

Senate bill No. 50. An act providing for the collection of forfeited recognizances.

Which was read a first time, and referred to the Committee on the Judiciary.

Mr. Denbo introduced

Senate bill No. 51. An act to amend section nine and repealing part of section sixteen of an act entitled "An act concerning partition of lands," approved March 20, 1852.

Which was read a first time, and referred to the Committee on the Judiciary.

Mr. Henderson introduced

Senate bill No. 52. An act creating the 22d and 23d Judicial Circuits, fixing the time for holding the courts therein, and providing for the election and appointment of Judges and Prosecuting Attorneys thereof.

Which was read a first time, and referred to the Committee on the Organization of Courts.

Mr. Caven introduced

Senate bill No. 53. An act to authorize the formation of co-operative societies for the purchase and erection of dwellings, and other buildings.

Which was read a first time, and referred to the Committee on Corporations.

SPECIAL ORDER.

The hour having arrived, the special order, being the resolutions reported by the Committee of the Whole Senate on the subject of the message of His Excellency Governor Baker, and the accompanying correspondence between him and Lieut. Governor Cumback, was taken up.

Mr. Gray moved to amend the third resolution by striking out the word "dishonorable."

Mr. Stein moved the previous question.

Which was seconded by the Senate.

The main question was then ordered.

The question being, shall the amendment of Mr. Gray be adopted?
The ayes and noes were demanded by Messrs. Stein and Hughes.

Those who voted in the affirmative were,

Messrs. Andrews, Bellamy, Case, Caven, Church, Elliott, Gray, Green, Hadley, Hamilton, Hess, Houghton, Jaquess, Johnson of Spencer, Kinley, Rice, Robinson of Madison, Robinson of Decatur, Scott and Wood—20.

Those who voted in the negative were,

Messrs. Beardsley, Bird, Bradley, Carson, Cravens, Denbo, Fisher, Fosdick, Gifford, Hanna, Henderson, Hooper, Howk, Huey, Hughes, Humphreys, Johnson of Montgomery, Laselle, Lee, Morgan, Reynolds, Sherrod, Stein and Turner—24.

Mr. Wolcott was excused from voting.

So the amendment did not prevail.

The question recurring on the adoption of the resolutions as reported by the Committee of the Whole Senate,

The ayes and noes were demanded by Messrs. Church and Gray.

Those who voted in the affirmative were,

Messrs. Andrews, Beardsley, Bird, Bradley, Carson, Cravens, Denbo, Fisher, Fosdick, Gifford, Green, Hanna, Henderson, Hess, Hooper, Howk, Huey, Hughes, Humphreys, Johnson of Montgomery, Kinley, Laselle, Lee, Morgan, Reynolds, Sherrod, Stein and Turner—28.

Those who voted in the negative were,

Messrs. Bellamy, Case, Caven, Church, Elliott, Gray, Hadley, Hamilton, Houghton, Jaquess, Johnson of Spencer, Rice, Robinson of Madison, Robinson of Decatur, Scott, Wolcott and Wood—17..

So the resolutions were adopted.

Mr. Johnson of Montgomery, by unanimous consent of the Senate, offered the following resolution :

Resolved, That when the Senate adjourns it adjourn^d to meet to-morrow morning at ten o'clock.

Which was agreed to.

ORDERS OF THE DAY.

HOUSE BILLS ON FIRST READING. •

House bill No. 10. An act in relation to the settlement of decedent's estates.

Was read a first time and referred to Committee on Judiciary.

House bill No. 32. An act to provide for specific appropriations for Legislative expenses.

Was read a first time and referred to Committee on Finance.

SENATE BILLS ON SECOND READING.

Senate bill No. 12. A bill providing for the publication of all notices required by law to be made in newspapers and prescribing punishment for the violation thereof.

Was read a second time by its title and referred to the Committee on the Judiciary.

Senate bill No. 14. An act to amend section one of an act entitled "an act defining who shall be competent witnesses in any court or judicial cause in this State, and to repeal all laws and parts of laws in conflict with the provisions of this act, and declaring an emergency."

Was read a second time by its title and referred to the Committee on the Judiciary.

Senate bill No. 15. An act to repeal an act entitled an act to provide for the protection of fish, defining the time in which they may be trapped, netted or seined, affixing the penalty for the violation of this act and declaring an emergency.

Was read a second time by its title and referred to the Committee on Rights and Privileges of Inhabitants of the State.

Senate bill No. 16. An act to repeal an act entitled an act authorizing the assessment of all the lands within one and one-half miles on either side, or within one and one-half miles of the terminus of any plank, macadamized or gravel road organ-

ized under and pursuant to an act of the General Assembly of the State of Indiana, entitled "an act authorizing the construction of plank, macadamized and gravel roads," approved May 12th, 1852, when the subscription to such road amounts to at least eight hundred dollars per mile, and is not sufficient for the completion of the same, and the collection of such assessments: *Provided*, the lands are situated within the county in which such road is located.

Was read a second time by its title and referred to the Committee on Corporations.

Senate bill No. 17. A bill to regulate the sale of patent rights and prevent fraud in connection therewith.

Was read a second time by its title and referred to the Committee on the Judiciary.

Senate bill No. 18. An act empowering colleges and other institutions of learning to hold and enjoy real estate.

Was read a second time by its title and referred to a Committee on the Judiciary.

Senate bill No. 19. A bill to amend the 397th section of an act entitled "an act to revise, simplify and abridge the rules, practice, pleadings and forms, in civil cases in the courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity," approved June 18, 1853.

Was read a second time by its title, and referred to the Committee on the Judiciary.

Senate bill No. 20. An act to tax costs in cases where surety in the bonds of any guardian, executor or administrator, shall apply to be released as such surety.

Was read a second time by its title and referred to the Committee on the Judiciary.

Senate bill No. 21. An act to amend section 10 of an act touching official bonds and oaths.

Was read a second time and referred to the Committee on the Judiciary.

Senate bill No. 22. An act to regulate interest on judgments and decrees.

Was read a second time by its title and referred to the Committee on the Judiciary.

Senate bill No. 24. An act to amend section numbered 78 of an act entitled "An act to revise, simplify and abridge the rules, practice, pleadings and forms, in criminal actions, in the courts of this State," approved June 17, 1852.

Was read a second time, and referred to the Committee on the Judiciary.

Senate bill No. 25. An act concerning witnesses and the examination of witnesses in criminal actions.

Was read a second time by its title, and referred to the Committee on the Judiciary.

Senate bill No. 26. A bill fixing the salaries of Common Pleas Judges, repealing all laws in conflict herewith, and declaring an emergency.

Was read a second time by its title, and referred to the Committee on the Judiciary.

The following House concurrent resolution was taken up:

WHEREAS, The Governor, under a concurrent resolution of the last General Assembly, appointed a commission consisting of John I. Morrison, Col. Smith Vawter, Col. John McCrea, and General Thomas M. Brown attorney, to hear, determine, and adjust the claims of citizens of the State, known as the "Morgan Raid Claims;" and,

WHEREAS, The said commission has performed its work and reported to the Governor, therefore,

Resolved, By the House of Representatives, the Senate concurring, that two hundred copies of the report of the commission, and the supplementary report, be printed for the use of the members.

And, on motion by Mr. Hughes, was referred to the Committee on Printing.

The President laid before the Senate the annual report of the Bank of the State of Indiana.

Which was referred to the Committee on Banks.

On motion by Mr. Stein,

The Senate adjourned.

TUESDAY MORNING, 10 o'clock, }
January 19, 1869. }

The Senate met.

The Journal of yesterday was read.

Mr. Hughes rose to a question of privilege, and presented the proceedings and resolutions of a meeting of citizens, held in Monroe county.

Which, upon his motion, were laid upon the table.

PETITIONS, MEMORIALS, AND REMONSTRANCES.

Mr. Rice presented a petition from a citizen of Parke county, asking for a modification of the present road law of this State.

Which was read and referred to the Committee on Roads.

Mr. Beardsley presented a petition from sundry citizens of the State, asking an amendment to section one of the act of March 9, 1862, authorizing the formation of companies for the purpose of detecting and apprehending horse thieves, and other felons.

Which was referred to the Committee on the Rights and Privileges of the Inhabitants of this State.

Mr. Hadley presented a petition from sundry citizens of Hendricks county, asking the repeal of the gravel road law.

Which was referred to the Committee on Roads.

Mr. Wood presented a petition from sundry citizens of Benton and Warren counties, asking for legislation to prevent the introduction and spread of the cattle disease.

Which was read and referred to the Committee on the Judiciary.

Mr. Cravens offered the following resolution :

Resolved, That the Senate will proceed, at twelve o'clock to-day, to vote for a person to represent this State in the Senate of the

United States for six years from and after the fourth day of March, 1869.

Which was adopted.

Mr. Gifford offered the following resolution :

Resolved, That the Doorkeeper be instructed to distribute to each member of the Senate the Agricultural Report placed in his hands for the use of Senators.

Which was adopted.

BILLS INTRODUCED.

Mr. Reynolds introduced

Senate bill No. 54. An act to authorize and empower cities to establish public parks, and to acquire titles to land for that purpose.

Was read a first time, and referred to the Committee on the Judiciary.

Mr. Scott introduced

Senate bill No. 55. An act creating the 23d Judicial Circuit, and providing for the election of a Judge and Prosecuting Attorney, and providing compensation therefor, declaring the jurisdiction of said Court, and providing for the transfer of actions thereto.

Which was read a first time, and referred to the Committee on Organization of Courts.

Mr. Case introduced

Senate bill No. 56. A bill to amend sections 133 and 134 of an act entitled "An act providing for the settlement of decedents' estates, prescribing the rights, liabilities, and duties of officers connected with the management thereof, and the heirs thereto, and certain forms to be used in such settlement, approved June 17, 1852.

Which was read a first time, and referred to the Committee on the Judiciary.

Mr. Elliott introduced

Senate Bill No. 57. An act to amend an act entitled an act to amend an act providing for the election or appointment of supervisors of highways, and prescribing certain of their duties, and

those of county and township officers in relation thereto, approved March 5, 1865.

Which was read a first time, and referred to the Committee on Roads.

Mr. Denbo introduced

Senate bill No. 58. An act to amend an act regulating the fees of officers, and repealing former acts in relation thereto, approved March 2, 1855.

Which was read a first time, and referred to the Committee on the Judiciary.

Mr. Caven introduced

Senate bill No. 59. An act regulating changes of venue, continuances, the subpœnaing and compelling attendance of witnesses in the argument of criminal cases, and providing for the repeal of such laws as may be in conflict herewith.

Which was read a first time, and referred to the Committee on the Judiciary.

Mr. Caven introduced

Senate bill No. 60. An act to amend section numbered 103 of an act entitled "An act to revise, simplify and abridge the rules, practice and pleadings, and forms in criminal actions in the courts of this State," approved June 17, 1852.

Which was read a first time, and referred to the Committee on the Judiciary.

Mr. Hadley introduced

Senate bill No. 61. An act providing for amendments of pleadings and papers in all proceedings of the courts of the State.

Which was read a first time and referred to the Committee on the Judiciary.

Mr. Case introduced

Senate bill No. 62. An act to amend section six of an act entitled an act declaratory of the law regulating marriages and enforcing the provisions thereof by proper penalties, approved March 5, 1852.

Which was read a first time and referred to the Committee on the Judiciary.

Mr. Church introduced

Senate bill No. 63. A bill to provide an additional remedy for the collection of delinquent taxes and for the correction of irregular assessments thereof.

Which was read a first time, and referred to the Committee on the Judiciary.

Mr. Wolcott introduced

Senate bill No. 64. An act authorizing voluntary associations formed under an act entitled "an act concerning the organization of voluntary associations, and repealing former laws in reference thereto," passed February 12, 1855, to acquire title to lands that have heretofore been used as burial places.

Which was read a first time, and referred to the Committee on the Judiciary.

Mr. Cavin introduced

Senate bill No. 65. An act to regulate the publication of legal advertisements.

Was read a first time and referred to the Committee on the Judiciary.

Mr. Humphrey introduced

Senate bill No. 66. An act to repeal an act entitled "an act to ascertain the amount of the fees and salaries of the Clerk of the Supreme, Circuit and Common Pleas Courts of this State of the Sheriff of the Supreme Court and of the various counties of this State, County Auditors, Treasurers and Recorders, of Circuit and Prosecuting Attorneys, and to provide punishment for a violation of its provisions," approved June 3, 1861.

Which was read a first time and referred to the Committee on the Judiciary.

ORDERS OF THE DAY.

MESSAGES FROM THE HOUSE.

The following Message from the House was taken up.

MR. PRESIDENT:

I am directed by the House of Representatives to inform the

Senate, that the House has passed the accompanying Concurrent Resolution, concerning the appointment of a joint Committee to inquire into the expediency of building a female prison, and that the Speaker has appointed the following Committee on the part of the House.

Messrs. Welborn, Breckinridge, Gilham, Stuart of Rush and Zenor.

Resolved, by the House of Representatives, (the Senate concurring,) that a Joint Special Committee of seven, (five upon the part of the House, and two upon the part of the Senate) be appointed to inquire into the expediency and propriety of establishing a Reformatory and Prison for Females, and that the said Committee be authorized to report by bill or otherwise at an early period of the session, and the resolution contained in the foregoing message was concurred in by the Senate, and the President appointed Messrs. Armstrong and Huffman said Committee on the part of the Senate.

HOUSE BILLS ON SECOND READING.

House bill No. 2. An act fixing the time of holding Courts in the several counties composing the Fourth Judicial Circuit and declaring an emergency.

Was read a second time.

Mr. Gifford moved that the rules be suspended and the bill read a third time now.

The ayes and noes were taken under the Constitution.

Those who voted in the affirmative were,

Messrs. Armstrong, Beardsley, Bellamy, Bird, Bradley, Carson, Case, Caven, Church, Colley, Cravens, Denbo, Elliott, Fisher, Fosdick, Gifford, Gray, Green, Hadley, Hamilton, Hanna, Henderson, Hess, Hooper, Houghton, Howk, Huey, Huffman, Hughes, Humphreys, Jaquess, Johnson of Spencer, Johnson of Montgomery, Kinley, Lee, Morgan, Rice, Reynolds, Robinson of Madison, Rob-

inson of Decatur, Scott, Sherrod, Smith, Stein, Taggart, Turner, Wolcott and Wood—48.

Mr. Andrews voting in the negative.

So the rules were suspended and the bill was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Andrews, Armstrong, Beardsley, Bellamy, Bradley, Carson, Case, Caven, Church, Colley, Denbo, Elliott, Fisher, Fosdick, Gifford, Gray, Green, Hadley, Hamilton, Hanna, Henderson, Hess, Hooper, Houghton, Howk, Huey, Huffman, Hughes, Humphreys, Jaquess, Johnson of Spencer, Johnson of Montgomery, Kinley, Lee, Morgan, Rice, Reynolds, Robinson of Madison Robinson of Decatur, Scott, Sherrod, Smith, Stein, Taggart, Turner, Wolcott and Wood.—46.

No Senator voting in the negative.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

By unanimous consent of the Senate, the order of business was suspended, and Mr. Fisher, from the Committee on Printing, made the following report:

MR. PRESIDENT:

The Committee on Printing, to whom was referred the House concurrent resolution, requiring the printing of 200 of the Commissioners report on the Morgan Raid claims, have had that subject under consideration, and have directed me to report the same back and recommend its passage.

Which report was concurred in, and the concurrent resolution was adopted.

Ordered, That the Secretary inform the House thereof.

On motion by Mr. Cravens, a call of the Senate was ordered.

The Secretary proceeded with the call.

The following Senators answered to their names.

Messrs. Andrews, Armstrong, Beardsley, Bellamy, Bird, Bradley, Carson, Case, Caven, Church, Colley, Cravens, Denbo, Elliott, Fisher, Fosdick, Gifford, Gray, Green, Hadley, Hamilton, Hanna, Henderson, Hess, Hooper, Houghton, Hawk, Huey, Huffman, Hughes, Humphreys, Jaquess, Johnson of Spencer, Johnson of Montgomery, Kinley, Laselle, Lee, Morgan, Rice, Reynolds, Robinson of Madison, Robinson of Decatur, Scott, Sherrod, Smith, Stein, Taggart, Turner, Wolcott and Wood—50.

On motion, the further call of the Senate was dispensed with.

SPECIAL ORDER.

Election of a Senator in Congress.

The hour having arrived designated by the resolution of the Senate adopted this morning, making the election of a Senator in the Congress of the United States, from the State of Indiana, the special order for to-day at 12 o'clock, M.

The President announced nominations for a Senator in Congress, from the State of Indiana, to be in order.

Mr. Rice put in nomination Hon. Will Cumback for that office.

Mr. Sherrod put in nomination Hon. Thomas A. Hendricks for that office.

Those who voted for Mr. Cumback were,

Messrs. Andrews, Armstrong, Bellamy, Case, Caven, Church, Colley, Elliott, Fisher, Gray, Green, Hadley, Hamilton, Hess, Houghton, Jaquess, Johnson of Spencer, Rice, Reynolds, Robinson of Madison, Robinson of Decatur, and Wood—22.

The whole number of votes given for the Hon. Will Cumback was twenty-two.

Those who voted for Mr. Hendricks were,

Messrs. Bird, Bradley, Carson, Denbo, Gifford, Hanna, Hen-

derson, Howk, Huey, Huffman, Humphreys, Johnson of Montgomery, Laselle, Lee, Morgan, Sherrod, Smith, Taggert and Turner—19.

The whole number of votes given for the Hon. T. A. Hendricks was nineteen.

Those who voted for Mr. Thompson were,

Messrs. Hughes and Scott—2.

The whole number of votes given for the Hon. R. W. Thompson was two.

Those who voted for Mr. Ellis were,

Messrs. Beardsley and Hooper.

The whole number of votes given for E. W. H. Ellis was two.

Mr. Fosdick voted for the Hon. J. A. Frazier.

The whole number of votes given for Mr. Frazier was one.

Mr. Caven voted for Cyrus M. Allen.

The whole number of votes given for Mr. Allen was one.

Mr. Kinley voted for George W. Julian.

The whole number of votes given for the Hon. G. W. Julian was one.

Mr. Stein voted for Godlove S. Orth.

The whole number of votes given for the Hon. G. S. Orth was one.

Mr. Wolcott voted for Gen. B. M. Harrison.

The whole number of votes given for Gen. B. M. Harrison was one.

The President announced that no one had received a majority of all the votes given for the office of Senator in Congress from the State of Indiana.

It was therefore ordered that the proceedings aforesaid be spread upon the journal.

On motion by Mr. Hughes,

The Senate adjourned.

TUESDAY, 2 O'CLOCK P. M.

The Senate met.

Mr. Stein offered the following resolution :

Resolved, That the Committee on the Organization of Courts have authority to employ a clerk.

Which was adopted.

Mr. Fisher offered the following resolution :

Resolved, That the Committee on Finance be permitted to employ a clerk.

Which was adopted.

Mr. Jaquess offered the following resolution :

Resolved, That the Committee on Claims be allowed to employ a clerk.

Which was adopted.

Mr. Humphreys offered the following resolution :

Resolved, That the Committee on Education be instructed to inquire into the expediency of passing a law requiring uniformity in text books used in common schools, and that they report by bill or otherwise.

Which was adopted.

Mr. Andrews offered the following resolution :

Resolved, That the Committee upon the Organization of Courts be instructed to inquire into the expediency of abolishing the Court of Common Pleas and of instituting in each county a Surrogate or Probate Court for the transaction of Probate business, and that the committee report by bill or otherwise.

Which was adopted.

Mr. Robinson offered the following resolution :

Resolved, That the Committee on elections be authorized to employ a clerk.

Which was adopted.

Mr. Bellamy offered the following resolution :

Resolved, That when the Senate adjourn it adjourn to meet at 10 o'clock to-morrow.

Which was adopted.

BILLS INTRODUCED.

Mr. Humphrey introduced

Senate bill No. 67. An act to amend section five of an act entitled "An act to provide for the more uniform mode of doing township business, prescribing the duties of certain officers in connection therewith, and to repeal all laws conflicting with this act," approved February 18, 1859, and declaring an emergency.

Which was read a first time, and referred to the Committee on County and Township Business.

Mr. Beardsley introduced

Senate bill No. 68. An act to amend section one of an act entitled "An act to authorize the formation of companies for the detection of horse thieves and other felons, and defining their powers," approved March 9, 1862.

Which was read a first time, and referred to the Committee on the Judiciary.

Mr. Green introduced

Senate bill No. 69. An act to amend section 455 of an act entitled "An act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the Courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice without distinction between law and equity," approved June 18, 1852.

Which was read a first time, and referred to the Committee on the Judiciary.

Mr. Robinson, of Madison, introduced

Senate bill No. 70. An act to amend an act entitled "An act authorizing the construction of plank, macadamized and gravel roads," approved May 12, 1852.

Which was read a first time, and referred to the Committee on Roads.

ORDERS OF THE DAY.

SENATE BILLS ON SECOND READING.

Senate bill No. 10. An act to repeal an act entitled "An act providing for the redemption of real property, or any interest therein, sold on execution or order of sale, and providing for the issuing of certificates of purchase in such cases, and for the execution of conveyances, and repealing all laws in conflict therewith," approved June 4, 1866.

Was read a second time, and passed to a third reading on tomorrow.

On motion by Mr. Stein, the Senate adjourned.

WEDNESDAY MORNING, 10 o'clock, }
January 20, 1869. }

The Senate met.

The journal of yesterday was read.

A message from the House, by Mr. Merwin the Clerk thereof.

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bills thereof, to-wit:

House bill No. 7. A bill to authorize foreign guardians to take possession of, sue for, or receipt for any personal property or assets of their wards in this State.

House bill No. 14. A bill to amend section three of an act regulating interest on money.

Also, that the House has passed the accompanying concurrent resolution concerning a joint convention for the election of United States Senator.

In which the concurrence of the Senate is respectfully requested.

And also, that the House has passed the Senate concurrent resolution concerning an address on prison reform.

A message from the House, by Mr. Merwin the Clerk thereof.

MR. PRESIDENT:

I am directed by the Speaker of the House to inform the Senate that the Speaker has signed House enrolled act No. 2, entitled "An act fixing the time of holding Circuit Courts in the several counties composing the Fourth Judicial Circuit of this State, and declaring an emergency."

Which is herewith transmitted for the signature of the President of the Senate.

A message from the House, by Mr. Merwin the Clerk thereof.

MR. PRESIDENT :

I am directed by the Speaker of the House of Representatives to inform the Senate that the Speaker has signed enrolled act No. 1, and the same is herewith returned to the Senate.

A message from the House, by Mr. Merwin the Clerk thereof.

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that in obedience to the law of our National Congress providing for the election of United States Senators on the second Tuesday after the commencement of the session of each Legislature, the House proceeded to said election this day at 12 o'clock, M., under special order for such purpose, with the following result :

For Hon. Will Cumback 48 votes were cast.

For Hon. Thos. A Hendricks 45 votes were cast.

For Hon. James S. Frazer 3 votes were cast.

For Hon. E. W. H. Ellis 2 votes were cast.

For Hon. G. S. Orth 1 vote was cast.

For Hon. R. W. Thompson 1 vote was cast.

Making in all 100 votes.

All of which is most respectfully submitted.

PETITIONS, MEMORIALS AND REMONSTRANCES.

The President laid before the Senate the petition of sundry citizens of the State, asking for legislation to remove the evil growing out of railroad combinations, and to fix a limit to the unjust discrimination practiced in local freight and passenger business.

Which was referred to the Committee on Corporations.

The President laid before the Senate the report of the State Librarian.

Which was read, and, on motion by Mr. Fisher, 200 copies were ordered to be printed for the use of the Senate.

Mr. Scott presented a memorial from sundry citizens of the county of Vigo and State of Indiana, asking such amendment of the

school law as will extend its benefits to the colored children of the State.

Which was referred to the Committee on Education.

Mr. Kinley presented the memorial of the Indiana Yearly Meeting of the Religious Society of Friends, held in Richmond on the 4th of eleventh month, 1868, asking the Legislature to so amend our school law as to extend its requirements and benefits to the colored people of the State.

Which was read and referred to the Committee on Education.

Mr. Caven presented a memorial from a meeting of German citizens of Indianapolis, asking such amendment of the school laws as will provide for the introduction of the German language into the Public Schools as a branch of study.

Which was referred to the Committee on Education.

Mr. Hadley presented a memorial of the Representative Meeting of the Western Yearly Meeting of the Religious Society of Friends, asking the amendment of our statutes so that they shall extend the benefits of the Common School Fund equally to all classes of our citizens.

Which was referred to the Committee on Education.

Mr. Rice presented a petition from Sundry citizens of the county of Parke, and State of Indiana, asking the repeal or amendment of the gravel road law.

Which was referred to the Committee on Corporations.

Mr. Robinson of Madison, presented a remonstrance from sundry citizens of Delaware county, and State of Indiana, against the repeal of the gravel road law.

Which was referred to the Committee on Corporations.

By unanimous consent of the Senate, the order of business was suspended, and Mr. Wolcott, chairman of the Committee on Finance, made the following report:

The Committee on Finance, to whom was referred House bill No. 32, "An act to provide for specific appropriations for legisla-

tive expenses," beg leave to report the same back and recommend its passage.

Which report was concurred in.

Mr. Wolcott moved that the rules be suspended and that the bill be read a third time now.

The ayes and noes were taken under the Constitution.

Those who voted in the affirmative were,

Messrs. Andrews, Armstrong, Beardsley, Bellamy, Bird, Bradley, Carson, Case, Church, Cravens, Denbo, Elliott, Fisher, Fosdick, Gifford, Gray, Green, Hamilton, Henderson, Hess, Hooper, Houghton, Howk, Huey, Huffman, Humphreys, Jaquess, Johnson of Spencer, Johnson of Montgomery, Kinley, Lasselle, Lee, Morgan, Rice, Reynolds, Robinson of Madison, Robinson of Decatur, Scott, Sherrod, Smith, Turner Wolcott and Wood—43.

No Senator voting in the negative.

So the rules were suspended and the bill was read a third time.

The question being, shall the bill pass ?

Those who voted in the affirmative were,

Messrs. Andrews, Beardsley, Bellamy, Bradley, Case, Caven, Church, Cravens, Elliott, Fisher, Fosdick, Gray, Green, Hadley, Hamilton, Hooper, Houghton, Howk, Jaquess, Johnson of Spencer, Lasselle, Morgan, Rice, Reynolds, Robinson of Madison, Scott, Stein, Turner, Wolcott and Wood—30.

Those who voted in the negative were,

Messrs. Armstrong, Bellamy, Carson, Denbo, Gifford, Hanna, Henderson, Hess, Huey, Huffman, Hughes, Humphreys, Johnson of Montgomery, Kinley, Lee, Robinson of Decatur and Sherrod—17.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

The President laid before the Senate the Sixteenth Report of the Superintendent of Public Instruction for the State of Indiana.

Which was referred to the Committee on Education.

The President laid before the Senate the report of the Trustees of the Wabash and Erie Canal.

On motion by Mr. Cravens, the order of business was suspended, and the following concurrent resolution of the House was taken up.

Resolved, (the Senate concurring.) That the Senate and House of Representatives will meet in Joint Convention in the Hall of the House of Representatives, on to-morrow, the 20th instant, at 12 o'clock, M., for the purpose of comparing the separate action this day taken by the Senate and House of Representatives, respectively, relative to the election of a Senator in Congress to succeed the Hon. Thomas A. Hendricks upon the expiration of his term of service; and also for the purpose of taking such action as that comparison and the provisions of the act of Congress in such cases made and provided may render necessary.

Which, on motion by Mr. Hughes, was laid upon the table.

Mr. Hughes offered the following resolution:

Resolved, That the members of the Senate, at twelve o'clock, M., this day, meet the members of the House of Representatives in the Hall of the House, to take such action as is required in Joint Assembly by the act of Congress, passed July 25th, 1866.

Which was adopted.

Ordered, That the Secretary inform the House thereof.

Mr. Johnson of Montgomery, moved a reconsideration of the resolution authorizing the Committee on Claims to employ a clerk.

The ayes and noes were demanded by Messrs. Johnson of Montgomery, and Gifford.

Those who voted in the affirmative were,

Messrs. Andrews, Armstrong, Beardsley, Bellamy, Bird, Bradley, Carson, Case, Caven, Church, Colley, Cravens, Denbo, Elliott, Fish-

er, Fosdick, Gifford, Gray, Green, Hadley, Henderson, Hess, Hooper, Houghton, Howk, Huey, Huffman, Hughes, Humphreys, Johnson of Montgomery, Kinley, Lasselle, Lee, Morgan, Rice, Reynolds, Robinson of Madison, Robinson of Decatur, Scott, Sherrod, Stein, Turner, Wolcott and Wood—44.

No Senator voting in the negative.

So the motion to reconsider prevailed.

Mr. Johnson of Montgomery, moved to lay the resolution on the table.

Which was agreed to.

Mr. Robinson of Madison, presented the following communication from the President of the Senate :

Hon. M. S. ROBINSON, Senator from Madison.

SIR:—As my name will be before the joint convention of the General Assembly as a candidate, I request that you will take my place as presiding officer of the Senate for the day.

Yours,

WILL CUMBACK,
President of the Senate.

Mr. Hughes offered the following resolution :

Resolved, That the Senate proceed *instantly* to elect a President of the Senate, *pro tempore*, to preside during the pending election for United States Senator, and during the pendency of any question which may arise during the session wherein the Lieut. Governor may be interested, and also during his absence.

Mr. Hughes moved the previous question, which was seconded by the Senate.

The main question was then ordered.

The question being, shall the resolution be adopted ?

The ayes and noes were demanded by Messrs. Hughes and Gifford.

Those who voted in the affirmative were,

Messrs. Beardsley, Bird, Bradley, Carson, Cravens, Denbo, Fisher, Fosdick, Gifford, Hanna, Henderson, Hess, Hooper, Howk, Huey, Huffinan, Hughes, Humphreys, Johnson of Montgomery, Kinley, Laselle, Lee, Morgan, Reynolds, Scott, Sherrod, Smith, Stein, Turner and Wolcott—30.

Those who voted in the negative were,

Messrs. Andrews, Armstrong, Bellamy, Case, Caven, Church, Colley, Elliott, Gray, Green, Hadley, Houghton, Jaquess, Johnson of Spencer, Rice, Robinson of Decatur, and Wood—17.

Mr. Robinson of Madison was excused from voting.

So the resolution was adopted.

Ordered, That the Secretary inform the House thereof.

Mr. Fisher in the chair.

The President announced that nominations for President *pro tem.* of the Senate were now in order.

Mr. Stein put in nomination Mr. John R. Cravens.

Mr. Gray put in nomination Mr. F. Bellamy.

Those who voted for Mr. Cravens were,

Messrs. Andrews, Armstrong, Beardsley, Bird, Bradley, Carson, Case, Colley, Denbo, Elliott, Fisher, Fosdick, Gifford, Green, Hanna, Henderson, Hooper, Houghton, Howk, Huey, Huffinan, Hughes, Humphreys, Johnson of Spencer, Johnson of Montgomery, Kinley, Lasselle, Lee, Morgan, Reynolds, Robinson of Decatur, Scott, Sherrod, Stein, Turner, and Wolcott—36.

The whole number of votes cast for the Hon. John R. Cravens was thirty-six.

Those who voted for Mr. Bellamy were,

Messrs. Caven, Church, Gray, Hadley, Hamilton, Hess, Jaquess, Rice, Robinson of Madison, Smith and Wood—11

The whole number of votes cast for the Hon. Mr. Bellamy was eleven.

The Hon. John R. Cravens having received a majority of all the votes cast, was declared duly elected President of the Senate *pro tempore*.

Ordered, That the Secretary inform the House thereof.

Mr. Gifford, from the Committee on County and Township Business, made the following report :

MR. PRESIDENT :

The Committee on County and Township Business, to whom was referred Senate bill No. 4, "authorizing the Superintendent of Public Instruction to adopt a general system of book keeping for Township Trustees," have had the same under consideration, and have directed me to report the bill back and recommend that it lie on the table.

Which report was concurred in, and the bill therein contained was laid upon the table.

Mr. Denbo, from the Committee on County and Township Business, made the following report :

MR. PRESIDENT :

The Committee on County and Township Business, to whom was referred a petition of officers and citizens of Warren county, to increase the pay of real estate appraisers, have had the same under consideration, and have instructed me to report the same back and recommending that it lie on the table, the prayer of said petitioners having been incorporated in Senate bill No. 6.

Which report was concurred in.

Mr. Carson, chairman of the select committee, submitted the following report :

MR. PRESIDENT :

The select committee, to whom was referred House bill No. 1, "An act entitled an act to fix the times of holding the courts in the

20th Judicial District," beg leave to report the bill back to the Senate and recommend the passage thereof.

Which report was concurred in.

Mr. Scott presented the report of the Trustees of the State Normal School.

Which was referred to the Committee on Education.

Mr. Cravens offered the following resolution :

Resolved, The House of Representatives concurring, that a committee to consist of seven, four on the part of the House and three on the part of the Senate, be and they are hereby appointed, whose duty it shall be to take into consideration the expediency of erecting a Gubernatorial mansion, to examine for a site therefor, and to report the result of their action therein.

Which was adopted.

Ordered, That the Secretary inform the House thereof.

JOINT RESOLUTIONS.

Mr. Carson introduced

Joint Resolution No. 3. A Joint Resolution instructing Senators and requesting Representatives in Congress to inquire into losses of men belonging to Battery "F," U. S. Artillery, and take action to repair said losses.

The question being, shall the Joint Resolution pass ?

Those who voted in the affirmative were,

Messrs. Andrews, Armstrong, Beardsley, Bird, Bradley, Carson, Case, Caven, Colley, Cravens, Denbo, Elliott, Fisher, Fosdick, Gifford, Gray, Green, Hadley, Hamilton, Hanna, Henderson, Hooper, Houghton, Howk, Huey, Huffman, Hughes, Humphreys, Jaquess, Johnson of Spencer, Kinley, Lee, Morgan, Rice, Reynolds, Robinson of Madison, Robinson of Decatur, Scott, Sherrod, Smith, Stein and Wolcott—42.

Those who voted in the negative were,

Messrs. Bellamy, Church, Hess and Wood—4.

So the Joint Resolution passed.

Ordered, That the Secretary inform the House thereof.

BILLS INTRODUCED.

Mr. Wolcott introduced

Senate bill No. 71. An act establishing the rate of compensation of the Superintendent of Public Instruction and repealing all laws in conflict therewith.

Which was read a first time and referred to the Committee on Expenditures.

Mr. Gray introduced

Senate bill No. 72. An act to amend section 18 of an act regulating decents and apportionment of estates, approved May 14, 1852.

Which was read a first time and referred to the Committee on the Judiciary.

Mr. Beardsley introduced

Senate bill No. 73. An act to amend an act entitled "an act to amend section 352 of an act to revise simplify and abridge, the rules practice, pleadings and forms in civil cases in the courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity, approved June 18, 1852, approved March 9, 1861.

Which was read a first time and referred to the Committee on the Judiciary.

Mr. Lasselle introduced

Senate bill No. 74. An act to enable cities to aid in the construction of railroads and other roads running into, through or adjacent to such cities.

Which was read a first time and referred to the Committee on Corporations.

Mr. Hess introduced

Senate bill No. 75. An act to protect the citizens of Indiana from empiricism, and elevate the standing of the medical profession.

Which was read a first time and referred to the Committee on the Rights and Privileges of the Inhabitants of the State.

Mr. Hooper introduced

Senate bill No. 76. An act authorizing incorporated towns and civil townships to subscribe stock and make donations in aid of railroad companies.

Which was read a first time and referred to the Committee on Corporations.

The hour of 12 M. having arrived, the Senate repaired to the Hall of the House of Representatives for the purpose of taking such action in Joint Convention as is required by the act of Congress, approved July 25, 1866, in relation to the election of Senators in Congress from the respective States.

Hon. John R. Cravens, President of the Senate *pro tempore*, took the Chair and called the Joint Convention to order.

The journals of the Senate and House of Representatives so far as the same had reference to the vote of the separate Houses, had on yesterday, for the election of a Senator in Congress from the State of Indiana, were read to the Joint Convention.

From a comparison then had in said Joint Convention of the journals aforesaid it was found that for the office of Senator in Congress, Lieut. Gov. Will Cumbach had received in the Senate 22 votes, in the House of Representatives 48 votes.

The whole number of votes given in the two Houses for Lieut. Gov. Will Cumbach was 70.

That Hon. T. A. Hendricks had received for that office in the Senate 19 votes, in the House of Representatives 45 votes.

Whole number of votes given in the two Houses for Hon. T. A. Hendricks was 64.

That Hon. James A. Frazer had received in the Senate 1 vote, in the House of Representatives 3 votes.

Whole number of votes given in the two Houses for Hon. James A. Frazer was 4.

That Hon. E. W. H. Ellis had received in the Senate 2 votes, in the House of Representatives 2 votes.

The whole number of votes given in the two Houses for Hon. E. W. H. Ellis was 4.

That Hon. R. W. Thompson had received in the Senate 2 votes, in the House of Representatives 1 vote.

The whole number of votes given in the two Houses for Hon. R. W. Thompson was 3.

That Hon. G. S. Orth had received in the Senate 1 vote, in the House of Representatives 1 vote.

The whole number of votes given in the two Houses for Hon. G. S. Orth was 2.

That Hon. Cyrus M. Allen had received in the Senate 1 vote.

That Hon. B. M. Harrison had received in the Senate 1 vote.

That Hon. Geo. W. Julian had received in the Senate 1 vote.

No person having received a majority of all the votes given in each House, the Joint Convention proceeded, by a *viva voce* vote of each member present, to the election of a Senator in Congress from the State of Indiana, a majority of all the members elected to both Houses being present and voting.

Mr. Gray of the Senate, put in nomination Hon. Will Cumback for that office.

Mr. Hanna, of the Senate, put in nomination Hon. T. A. Hendricks for that office.

Mr. Hughes, of the Senate, put in nomination Hon. Richard W. Thompson.

Mr. Fosdick, of the Senate, put in nomination Hon. J. A. Frazer.

Mr. Stein, of the Senate, put in nomination Hon. Godlove S. Orth.

Those who voted for Mr. Cumback were,

Messrs. Andrews, Armstrong, Bellamy, Case, Caven, Church

Colley, Elliot, Fisher, Gray, Green, Hadley, Hamilton, Hess, Houghton, Jaquess, Johnson of Spencer, Rice, Reynolds, Robinson of Madison, Robinson of Decatur, and Wood, of the Senate—22.

Messrs. Barnett, Beeler, Bowen, Breckinridge, Buskirk, Chittenden, Davidson, Dunn, Fairchild, Field of Lake, Field of Lagrange, Furnas, Gilham, Gordon, Green, Hall, Hamilton, Higgins, Hutson, Johnson of Parke, Johnson of St. Joseph, Jump, Kercheval, Lamborn, Mason, Millikin, Miller, Osborn, Overmeyer, Pierce of Porter, Ratliff, Ruddell, Sabin, Skidmore, Smith, Stephenson, Stewart of Ohio, Stewart of Rush, Underwood, Vardeman, Vater, Wildman, Williams of Hamilton, Williams of St. Joseph, Wilson and Mr. Speaker, of the House—46.

The whole number of votes given for Hon. Will Cumback was sixty-eight.

Those who voted for Mr. Hendricks were,

Messrs. Bird, Bradley, Carson, Denbo, Gifford, Hanna, Henderson, Howk, Huey, Huffinan, Humphreys, Johnson of Montgomery, Laselle, Lee, Morgan, Sherrod, Smith, Taggart, and Turner, of the Senate—19.

Messrs. Addison, Admire, Barrett, Bates, Bobo, Britton, Calvert, Carnahan, Cave, Coffroth, Cory, Cotton, Cox, Cunningham, Fuller, Ghormley, Hutchings, Hyatt, Johnson of Montgomery, Lawler, Logan, Long, McBride, McDonald, McFadden, McGregor, Miles, Miner, Mock, Montgomery, Neff, Odell, Palmer, Peale, Shoaff, Shoemaker, Sleeth, Sunman, Tebbs, Welborn, Wile, Williams of Knox, Zenor, and Zollers, of the House—44.

Total number of votes given for Hon. T. A. Hendricks, 63.

Those who voted for Mr. Thompson were,

Messrs. Hughes and Scott, of the Senate—2.

Messrs. Baker, Monroe, and Pierce of Vigo, of the House—3.

Total number of votes given for Hon. R. W. Thompson, 5.

Those who voted for Mr. Frazer were.

Messrs. Fosdick and Wolcott, of the Senate—2.

Messrs. Chapman, Higby, and Taber, of the House—3.

Total number of votes given for Hon. J. A. Frazer, 5.

Those who voted for Mr. Ellis were,

Messrs. Beardsley and Hooper, of the Senate—2.

Mr. Davis, of the House—1.

Total number of votes given for Hon. E. W. H. Ellis, 3.

Those who voted for Mr. Orth were,

Messrs. Kinley and Stein, of the Senate—2.

Total number of votes given for Hon. G. S. Orth, 2.

Mr. Cravens, of the Senate, voted for Hon. Cyrus M. Allen.

Mr. Mitchell, of the House voted for Hon. James Hughes.

Total number of votes given by the Joint Convention, 148.

No person having received a majority of all the votes given, the Joint Convention proceeded to vote a second time for a Senator in Congress from the State of Indiana.

Those who voted for Mr. Cumback were,

Messrs. Armstrong, Andrews, Bellamy, Case, Caven, Church, Colley, Elliott, Fisher, Gray, Green, Hadley, Hamilton, Hess, Houghton, Jaquess, Johnson of Spencer, Rice, Reynolds, Robinson of Madison, Robinson of Decatur, and Wood, of the Senate—22.

Messrs. Barnett, Beeler, Bowen, Breckinridge, Buskirk, Chittenden, Dunn, Fairchild, Field of Lake, Field of Lagrange, Furnas, Gillam, Gordan, Green, Hall, Hamilton, Higgins, Hutson, Johnson of Parke, Johnson of St. Joseph, Jump, Kerchival, Lamborn, Mason, Milliken, Miller, Osborn, Overmeyer, Pierce of Porter, Ratliff, Ruddell, Sabin, Skidmore, Smith, Stevenson, Stewart of Ohio, Stewart of Rush, Underwood, Vardeman, Vater, Wildman, Williams of Hamilton, Williams of St. Joseph, Wilson, and Mr. Speaker, of the House—45.

Total number of votes given for Hon. Will Cumback, 67.

Those who voted for Mr. Hendricks were,

Messrs. Bird, Beardsley, Carson, Denbo, Gifford, Hanna, Henderson, Howk, Huey, Huffman, Humphreys, Johnson of Mont-

gomery, Laselle, Lee, Morgan, Sherrod, Smith, Taggart, and Turner, of the Senate—19.

Messrs. Addison, Adnire, Barritt, Bates, Bobo, Britton, Calvert, Carnahan, Cave, Coffroth, Cory, Cotton, Cox, Cunningham, Fuller, Ghormley, Hutchings, Hyatt, Johnson of Montgomery, Lawler, Logan, Long, McBride, McDonald, McFadden, McGregor, Miles. Minor, Mock, Montgomery, Neff, Odell, Palmer, Peale, Shoaff, Shoemaker, Sleeth, Sunman, Tebbs, Welborn, Wile, Williams of Knox, Zenor, and Zollers, of the House—44.

Total number of votes for Hon. Thomas A. Hendricks, 63.

Those who voted for Mr. Frazer were,

Messrs. Fosdick and Wolcott, of the Senate—2.

Messrs. Chapman, Davidson, Higbe and Tabor, of the House—4.

Total number of votes for Hon. James A. Frazer, 6.

Those who voted for Mr. Thompson were,

Messrs. Hughes and Scott, of the Senate—2.

Messrs. Baker, Monroe, and Pierce of Vigo, of the House—3.

Total number of votes given for Hon. R. W. Thompson, 5.

Those who voted for Mr. Ellis were,

Messrs. Beardsley and Hooper, of the Senate—2.

Mr. Davis, of the House—1.

Total number of votes given for Hon. E. W. H. Ellis, 3.

Those who voted for Mr. Orth were,

Messrs. Kinley and Stein, of the Senate—2.

Mr. Cravens, of the Senate, voted for Hon. C. M. Allen.

Mr. Mitchell, of the House, voted for Hon. James Hughes.

The whole number of votes given by the Joint Convention was 148.

Pending a third vote, the President of the Senate declared the Joint Convention adjourned.

The Senate returned to its chamber.

On motion by Mr. Stein, the Senate adjourned.

WEDNESDAY, 2 O'CLOCK, P. M.

Senate met.

Mr. Bradley introduced

Senate bill No. 77. An act to amend the fifty-third section of an act entitled "an act for the incorporation of towns, defining their powers, providing for the election of the officers thereof, and declaring their duties," passed June 11, 1852.

Which was read a first time and referred to the Committee on Corporations.

Mr. Lasselle introduced

Senate bill No. 78. A bill to repeal section eighteen of an act entitled "an act regulating decents and the apportionment of estates," approved May 14, 1852.

Which was read a first time and referred to the Committee on the Rights and Privileges of the Inhabitants of the State.

House bill No. 7. An act to authorize foreign guardians to take possession of, sue for or receipt for any personal property or assets of their wards in this State.

Was read a first time and referred to the Committee on the Judiciary.

ORDERS OF THE DAY.

HOUSE BILLS ON FIRST READING.

House bill No. 14. An act to amend section 3 of an act regulating interest on money.

Was read a first time and referred to the Committee on the Judiciary.

SENATE BILLS ON THIRD READING.

Senate bill No. 10. An act to repeal an act entitled an act providing for the redemption of real property, or any interest therein,

sold on execution or order of sale, and providing for the issuing of certificates of purchase in such cases, and for the execution of conveyances, and repealing all laws in conflict therewith, approved June 4th, 1866.

Was read a third time, and on motion of Mr. Scott, was recommended to the Committee on the Judiciary.

Mr. Cravens offered the following resolution :

Resolved, That when the Senate adjourns it adjourn to meet to-morrow at 10 o'clock A. M.

Which was adopted.

On motion by Mr. Gray, the Senate adjourned.

THURSDAY, January 21st, 1868, }
10 O'CLOCK, A. M. }

The Senate met.

The Journal of yesterday was read.

PETITIONS, MEMORIALS AND REMONSTRANCES.

Mr. Reynolds presented a memorial of the Indiana State Board of Agriculture, containing suggestions as to an appropriation for the purpose of publishing the reports of the State Board of Agriculture, also as to the importance of a further Geological survey of the State.

Which was referred to the Committee on Public Printing.

Mr. Kinley presented a memorial from the State Temperance Alliance asking for the enactment of a prohibitory liquor law.

Which was referred to the Committee on Temperance.

Mr. Caven presented the petition of Judge E. Powell.

Which was referred to the Committee on Claims.

REPORTS OF STANDING COMMITTEES.

Mr. Beardsley, Chairman of the Committee on County and Township Business, made the following report:

MR. PRESIDENT:

The Committee on County and Township Business to whom was referred Senate bill No. 7—a bill to fix the compensation of appraisers of real estate, authorizing the appointment of deputies, extending the time for making such appraisement, making the appraisement of 1863 the basis of taxation until said appraisement is completed, and repealing all laws in conflict therewith—have had the same under consideration and direct me to report the same back to the Senate and recommend that it lie on the table, for the reason that another bill now pending before the Senate, embodies all the essential provisions of said bill.

Which report was concurred in and the bill therein contained was laid upon the table.

Mr. Jaquess, Chairman of the Committee on County and Township Business, made the following report :

MR. PRESIDENT :

The Committee on County and Township Business, to whom was referred Senate bill No. 6—a bill to authorize appraisers of real estate to appoint deputies and legalize appointments already made and to fix the pay of appraisers and deputies—have had the same under consideration and have instructed me to report the same back to the Senate with the following amendments, to-wit :

Insert the word “ State,” before the word “ Indiana,” in section first.

Also add, after “ legalized,” in the second section, “ and all acts of said appraisers and their deputies, done prior to the taking effect of this act, are hereby legalized.”

Also amend by adding section 4, as follows: “ And all or parts of laws in conflict with this act are hereby repealed.”

And when so amended, recommend its passage.

Which report was concurred in, and the amendments adopted.

Mr. Robinson of Decatur, from the Committee on Roads, made the following report :

MR. PRESIDENT :

The Committee on Roads, to whom was referred Senate bill No. 57, an act to amend an act entitled an act to amend an act providing for the election or appointment of supervisors of highways, and prescribing certain of their duties, and those of county and township officers in relation thereto, beg leave to report that they have had the same under consideration, and have directed me to report the same back to the Senate and recommend that it lie upon the table.

Which report was concurred in, and the bill therein contained was laid upon the table.

Mr. Stein, from the Judiciary Committee, made the following report :

MR. PRESIDENT :

The Judiciary Committee, to whom was referred Senate bill No. 25, an act concerning witnesses, and the examination of witnesses in criminal actions, report that they have had said bill under consideration, and recommend the passage of said bill.

Which report was concurred in.

Mr. Caven, Chairman of the Committee on the Judiciary, submitted the following report :

MR. PRESIDENT :

The Judiciary Committee, to whom was referred Senate bill No. 31, "An act to extend the provisions of an act to authorize and provide for a change of venue in civil actions, in certain cases, to all civil actions," report that they have had the same under consideration, and as said bill has no title, sets out no amended section, and is, for those reasons, unconstitutional and void, respectfully recommend that it lie on the table.

Which report was concurred in, and the bill therein contained was laid upon the table.

Mr. Robinson of Madison, from the Committee on the Judiciary, submitted the following report :

MR. PRESIDENT :

The Judiciary Committee, to whom was referred Senate bill No. 29, an act to amend the 70th section of an act entitled "An act providing for the election and qualification of Justices of the Peace, and defining their jurisdiction, powers, and duties in civil cases," approved June 9, 1852, report that they have had the same under consideration, and respectfully recommend the passage of said bill.

Which report was concurred in.

Mr. Scott, from the Committee on the Judiciary, made the following report :

MR. PRESIDENT :

The Judiciary Committee, to whom was referred Senate bill

No. 14, an act to amend section one of an act entitled "An act defining who shall be competent witnesses in any court or judicial cause in this State, and to repeal all laws and parts of laws in conflict with the provisions of this act, and declaring an emergency," have had the same under advisement, and recommend that the same do lie on the table.

Which report was concurred in, and the bill therein contained laid on the table.

Mr. Stien, from the Committee on the Judiciary, made the following report :

MR. PRESIDENT :

The Judiciary Committee, to whom was referred Senate bill No. 24, an act to amend section numbered 78, of an act entitled "An act to revise, simplify, and abridge the rules, practice, pleadings and forms in criminal actions in the courts of this State," approved June 17, 1852, report that all of said bill after the word and number "1852," on the ninth line of page one, down to and including the word "accordingly," on the eighteenth line of same page one, be stricken out, and, upon such amendment being adopted, recommend the passage of said bill.

Which report was concurred in, and the amendment adopted.

Mr. Howk, from the Committee on the Judiciary, made the following report :

MR. PRESIDENT :

The Judiciary Committee to whom was referred Senate bill No. 20, an act to tax costs in cases where surety in the bond of any guardian, executor, or administrator shall apply to be released as said surety, report that they have had the same under consideration, and respectfully recommend that said bill shall be laid on the table.

Which report was concurred in.

Mr. Jaquess, from the Committee on Claims, made the following report :

MR. PRESIDENT :

The Committee on Claims, to whom was referred the claim of James Blake for the sum of two hundred and fifty dollars, for services rendered the State as agent of the Soldiers' National Cemetery at Gettysburgh, Penn., have had the same under consideration, and beg leave to report that it is correct, and recommend that it be allowed.

Which report was concurred in, and referred to the Committee on Finance.

Mr. Scott, from the Judiciary Committee, submitted the following report :

MR. PRESIDENT :

The Judiciary Committee, to whom was referred Senate bill No. 19, an act to amend the 397th section of an act entitled "An act to simplify, revise, and abridge the rules, practice, pleadings, and forms in civil cases in the courts of this State; to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleadings and practice, without distinction between law and equity," approved June 18, 1852, report that they have had the same under consideration, and respectfully recommend that said bill do lie on the table.

Which report was concurred in, and the bill therein contained was laid upon the table.

Mr. Robinson of Madison, from the Committee on the Judiciary, made the following report :

MR. PRESIDENT :

The Judiciary Committee, to whom was referred Senate bill No. 28, an act to amend section 27 of an act entitled "An act prescribing who may make a will, the effect thereof, what may be devised, regulating the revocation, admission to probate, and contest thereof," approved May 31, 1852, have had the same under consideration, and respectfully recommend that said bill do lie upon the table.

Which report was concurred in, and the bill therein contained was laid upon the table.

Mr. Rice, from the Committee on the Judiciary, made the following report :

MR. PRESIDENT :

The Judiciary Committee, to whom was referred House bill No. 10, "An act in relation to the settlement of decedents' estates," represent that they have had the same under consideration, and recommend that all of said bill after the word "settlement," in the third line of the second page thereof, to and including the word "inventory," in the twelfth line of said page, be stricken out, and when said amendment is made, said committee respectfully recommend the passage of said bill.

Which report was concurred in, and the amendment adopted.

Mr. Caven, Chairman of the Judiciary Committee, made the following report :

The Judiciary Committee, to whom was referred Senate bill No. 33, "An act requiring certain officers of the State to make reports and providing for the publication thereof, report that they have had the same under consideration, and herewith return said bill to the Senate and respectfully recommend that it be referred to the Committee on Public Printing.

Which report was concurred in, and the bill therein contained was referred to the Committee on Public Printing.

Mr. Hanna, from the Committee on the Judiciary, submitted the following report :

MR. PRESIDENT :

The Judiciary Committee, to whom was referred Senate bill No. 37, an act to amend the second section of "An act defining who shall be competent witnesses in any court or judicial proceeding in the State, and to repeal all laws and parts of laws in conflict with the provisions of this act," approved March 11, 1867, report that they have had the same under consideration, and respectfully recommend that said bill lie on the table.

Which report was concurred in, and the bill therein contained was ordered to lie on the table.

Mr. Hanna, from the Committee on the Judiciary, made the following report :

MR. PRESIDENT :

The Judiciary Committee, to whom was referred Senate bill No. 45, "An act regulating the salaries of the Judges of the Supreme, Circuit, Civil and Criminal Circuit and Common Pleas Courts and declaring an emergency," have had the same under consideration, and respectfully recommend the passage of said bill.

Which report was concurred in.

Mr. Rice, Chairman of the Committee on Corporations, made the following report :

MR. PRESIDENT :

The Committee on Corporations, to whom was referred Senate bill No. 18, "An act empowering Colleges and other Institutions of Learning to hold and enjoy real estate," have had the same under consideration, and report the same back to the Senate with the recommendation that it lie on the table.

Which report was concurred in, and the bill therein contained was laid on the table.

RESOLUTIONS.

Mr. Fisher offered the following resolution :

Resolved, That the Committee on Elections be instructed to inquire into the expediency of separating all laws in relation to holding township elections on the first Monday in April in each year, and of providing by law that all officers, except municipal officers, be elected at the general election in October, and that township officers now acting shall continue to act until after said election, with leave to report by bill or otherwise.

Which resolution was adopted and referred to the Committee on Elections.

Mr. Hadley offered the following resolution :

Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency and justness of providing by law for the payment of fees out of the several county treasuries to witnesses

summoned by the State, in cases wherein there are no convictions.

Which was not adopted.

Mr. Johnson of Montgomery, introduced the following resolution :

Resolved, That the Secretary of State be requested to lay before the Senate the amount of stationery furnished by the State to the State Printer, and also the amount of work done and the cost thereof within the two years last past ending the 31st of December, 1868, designating the amount for each year, at his earliest convenience, and that the Secretary of the Senate be directed to forward a copy of this resolution to the Secretary of State immediately.

Which was adopted.

BILLS INTRODUCED.

Mr. Reynolds introduced

Senate bill No. 79. An act declaring who shall be the heirs of Decedent Estates, defining what debts shall be paid by the widow of a deceased husband, the amount such widow shall hold as against creditors, and repealing all laws in conflict with this act.

Was read a first time and referred to the Committee on the Judiciary.

Mr. Gray introduced

Senate bill No. 80. An act to amend an act entitled an act to provide for the appraisement of the real estate, and prescribing the duties of officers in relation thereto, approved December 21st, 1858.

Which was read a first time and referred to the Committee on County and Township Business.

Mr. Denbo introduced

Senate bill No. 81. An act to legalize the appraisement of the real estate of the State of Indiana, made in the year 1864, and declaring an emergency.

Which was read a first time and referred to the Committee on County and Township Business.

Mr. Huffman introduced

Senate bill No. 82. An act allowing an increased rate of tolls on turnpike, plank, and gravel roads in certain cases, repealing conflicting laws and declaring an emergency.

Which was read a first time and referred to the Committee on Roads.

Mr. Church introduced

Senate bill No. 83. An act to amend section two of an act entitled an act making the register of sales of Michigan Road lands, and certified copies of entries therein evidence, and declaring the effect thereof, and making the records and patents and certificates of purchase and other evidence in writing of the sale of real estate and certified copies of such records evidence, and declaring the effect thereof, approved March 9th, 1859.

Which was read a first time and referred to the Committee on the Judiciary.

Mr. Church introduced

Senate bill No. 84. An act to repeal section thirty-one of an act entitled "An act concerning real property and the alienation thereof," approved March 6th, 1852.

Which was read a first time and referred to the Committee on the Judiciary.

Mr. Gray introduced

Senate bill No. 85. An act to amend the 60th section of an act entitled "An act to repeal all general laws now in force for the incorporation of cities, and to provide for the incorporation of cities, prescribing their powers and rights, and the manner in which they shall exercise the same, and to regulate such other matters as properly pertain thereto," approved March 14th, 1867.

Which was read a first time and referred to the Committee on Corporations.

Mr. Denbo introduced

Senate bill No. 86. An act for the protection of growing fruit, defining punishment, and repealing all laws in conflict herewith.

Which was read a first time, and referred to the Committee on Rights and Privileges of the inhabitants of the State.

Mr. Caven introduced

Senate bill No. 87. An act authorizing the organization of voluntary associations, prescribing their powers and defining their duties, and repealing all former laws on that subject.

Which was read a first time, and referred to the Committee on Corporations.

Mr. Wolcott introduced

Senate bill No. 88. An act to amend section 319 of an act entitled "An act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform rule of pleading and practice, without distinction between law and equity," approved June 18, 1852.

Which was read a first time, and referred to the Committee on the Judiciary.

By unanimous consent of the Senate the order of business was suspended, and the following message from the House was taken up.

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed the following resolution, in which the concurrence of the Senate is respectfully asked:

Resolved, By the House of Representatives, the Senate concurring, that his Excellency Gov. Conrad Baker, be instructed to pay to David Harrison, Agga Harrison, Geo. L. Farnum, Richard Gladdish, W. H. Gladdish, and Robert Willis, citizens of Pike county Indiana, the sum of nine hundred and fourteen dollars and ninety-five cents (\$914.95), for monies expended by them in procuring the release from prison, of Daniel Harrison a citizen of Indiana, illegally held in custody at Macon, Mississippi; said money to be paid out of the sum appropriated by the last General Assembly for this, and like purposes, and named in section 18th of the act making general appropriations for said session.

The resolution therein contained was concurred in.

Ordered, That the Secretary inform the House thereof.

ORDERS OF THE DAY.

HOUSE BILLS ON FIRST READING.

House bill No. 8. An act authorizing appraisers of real estate to appoint their deputies, and authorizing appraisers to remove their deputies, and fixing the compensation of such appraisers and their deputies, and legalize the appointments of deputies heretofore made by appraisers and Board of County Commissioners.

Was read a first time, and referred to the Committee on County and Township business.

HOUSE BILLS ON SECOND READING.

House bill No. 1. A bill to fix the times of holding the Courts in the Twentieth Judicial District.

Was read a second time.

Mr. Carson moved to suspend the rules, and that the bill be read a third time now.

The ayes and noes were taken under the Constitution.

Those who voted in the affirmative were,

Messrs. Andrews, Armstrong, Beardsley, Bellamy, Bird, Bradley, Carson, Case, Caven, Church, Cravens, Denbo, Elliott, Fisher, Fosdick, Gifford, Gray, Greene, Hadley, Hamilton, Henderson, Hess, Hooper, Houghton, Hawk, Huey, Huffman, Hughes, Humphreys, Jaquess, Johnson of Spencer, Johnson of Montgomery, Kinley, Lee, Morgan, Rice, Reynolds, Robinson of Madison, Robinson of Decatur, Scott, Sherrod, Stein, Turner, Wolcott, Wood.—45.

No Senator voting in the negative.

So the rules were suspended, and the bill was read a third time.

The question being shall the bill pass?

Those who voted in the affirmative were,

Messrs. Andrews, Armstrong, Beardsley, Bellamy, Bird, Bradley, Carson, Case, Caven, Church, Colley, Cravens, Denbo, Elliott, Fisher, Fosdick, Gifford, Gray, Green, Hadley, Hamilton, Hanna,

Henderson, Hess, Hooper, Houghton, Howk, Huey, Huffman, Hughes, Humphreys, Jaquess, Johnson of Spencer, Johnson of Montgomery, Kinley, Lee, Morgan, Rice, Reynolds, Robinson of Madison, Robinson of Decatur, Scott, Sherrod, Smith, Stein, Turner, Wolcott and Wood.—48.

No Senator voting in the negative.

So the bill passed.

Ordered that the Secretary inform the House thereof.

A message from the Governor, by John M. Commons, his private Secretary.

EXECUTIVE DEPARTMENT, }
INDIANAPOLIS, January 19, 1869. }

MR. PRESIDENT :

I am directed by the Governor to inform your honorable body that he has approved and signed

Enrolled act No. 1, entitled "An act to fix the times of holding the Courts of Common Pleas in the Fourteenth Judicial District of the State of Indiana, and other matters properly connected therewith," and that the same has been deposited in the office of the Secretary of State.

JNO. M. COMMONS,
Private Secretary.

Messages from the House, by Mr. Merwin, Clerk thereof.

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bill thereof, to-wit:

House bill No. 8. A bill authorizing appraisers of real estate to appoint their deputies, and authorizing appraisers to remove their deputies, and fixing the compensation of such appraisers and their deputies, and to legalize appointments of deputies heretofore made by appraisers and Boards of County Commissioners.

In which the concurrence of the Senate is respectfully requested.

MR. PRESIDENT:

I am directed by the Speaker of the House of Representatives to inform the Senate that he has signed the following enrolled act of the House of Representatives, to-wit:

Enrolled act No. 32. "An act appropriating seventy-five thousand dollars to defray the expenses of the Forty-sixth Session of the General Assembly."

And the same is hereby respectfully submitted for the signature of the President of the Senate.

Messages from the Governor, by John M. Commons, his Private Secretary.

EXECUTIVE DEPARTMENT,
INDIANAPOLIS, IND., JANUARY 20, 1869. }

MR. PRESIDENT:

I am directed by the Governor to transmit to the Senate his message, and report of reprieves, commutations and pardons granted, as required by Section 17, Article 5, of the Constitution. Also

Message in relation to the appointment of a person to examine the drift accumulated in the east fork of White river, where the Wabash and Erie Canal crosses the same, together with the report of the person so appointed. Also,

A communication and accompanying papers from Brev. Brig. Gen. J. D. Bingham, Chief Quartermaster Dept. of the Lakes, Detroit, Michigan, in relation to the Soldier's National Cemetery, at New Albany, Indiana. Also,

The report of Col. James Blake, Commissioner on behalf of the State of Indiana, as one of the Board of Managers of the Soldier's National Cemetery, at Gettysburg, Penn. Also,

Message and communication with accompanying papers from Governor Oglesby of Illinois, in relation to the National Lincoln Monument. Also,

Message and petition signed by the Directors of the Michigan City Harbor Company, Mayor and Common Council of Michigan City, and others in relation to the Michigan City harbor.

JNO. M. COMMONS,

Private Secretary.

The hour of 12 M. having arrived the Senate, in obedience to the act of Congress in such cases made and provided, repaired to the Hall of the House of Representatives for the purpose of voting in Joint Convention for a Senator in Congress from the State of Indiana.

The President of the Senate, *pro tempore*, took the chair, and announced that nominations for a Senator in Congress was in order.

Mr. Gray, of the Senate, put in nomination Hon. Will Cumback for that office.

Mr. Hanna, of the Senate, put in nomination Hon. Thomas A. Hendricks for that office.

Mr. Hooper, of the Senate, put in nomination Hon. James F. Frazer.

Those who voted for Mr. Cumback were,

Messrs. Andrews, Armstrong, Bellamy, Case, Caven, Church, Colley, Elliott, Fisher, Gray, Green, Hadley, Hamilton, Hess, Houghton, Jaquess, Johnson of Spencer, Rice, Reynolds, Robinson of Madison, Robinson of Decatur, and Wood of the Senate—22.

Messrs. Barnett, Beeler, Bowen, Breckinridge, Buskirk, Chittenden, Dunn, Fairchild, Field of Lake, Field of Lagrange, Furnas, Gilham, Gorden, Greene, Hall, Hamilton, Higgins, Hutson, Johnson of Parke, Johnson of St. Joseph, Jump, Kercheval, Lamborn, Mason, Millekan, Miller, Osborn, Overmyer, Pierce of Porter, Ratliff, Ruddell, Sabin, Skidmore, Smith, Stephenson, Stewart of Ohio, Stewart of Rush, Underwood, Vardeman, Vater, Wildman, Williams of Hamilton, Williams of St. Joseph, Wilson and Mr. Speaker of the House—45.

The whole number of votes given for the Hon. Will Cumback was 67.

Those who voted for Mr. Hendricks were,

Messrs. Bird, Bradley, Carson, Denbo, Gifford, Hanna, Henderson, Howk, Huey, Huffman, Humphreys, Johnson of Montgomery, Laselle, Lee, Morgan, Sherrod, Smith, Taggart and Turner of the Senate—19.

Messrs. Addison, Admire, Barritt, Bates, Bobo, Britton, Calvert, Carnahan, Cave, Coffroth, Cory, Cotton, Cox, Cunningham, Dittmore, Fuller, Hutchings, Hyatt, Johnson of Montgomery, Lawler, Logan, Long, McBride, McDonald, McFadin, McGregor, Miles, Miner, Mock, Montgomery, Neff, Odell, Palmer, Peale, Shoaff, Shoemaker, Sleeth, Summan, Tebbs, Welborn, Wile, Williams of Knox, Zenor and Zollars of the House—44.

The whole number of votes given for the Hon. T. A. Hendricks was 63.

Those who voted for Mr. Frazer were.

Messrs. Beardsley, Cravens, Fosdick, Hooper, Hughes, Kinley, Scott, Stein and Wolcott of the Senate—9.

Messrs. Baker, Chapman, Davidson, Davis, Higbee, Mitchell, Monroe, Pierce of Vigo, and Taber of the House—9.

The whole number of votes given for the Hon. James Frazer was 18.

The total number of votes given by the Joint Convention was 148.

No person having received a majority of all the votes given, the Joint Convention proceeded to vote again for a Senator in Congress from the State of Indiana.

Those who voted for Mr. Cumback were,

Messrs. Andrews, Armstrong, Bellamy, Case, Caven, Church, Colley, Elliott, Fisher, Gray, Green, Hadley, Hamilton, Hess, Houghton, Jaquess, Johnson of Spencer, Rice, Reynolds, Robinson of Madison, Robinson of Decatur, and Wood of the Senate—22.

Messrs. Barnett, Beeler, Bowen, Breckinridge, Buskirk, Chittenden, Dunn, Fairchild, Field of Lake, Field of Lagrange, Furnas, Gilham, Gordon, Greene, Hall, Hamilton, Higgins, Hutson, Johnson of Parke, Johnson of St. Joseph, Jump, Kercheval, Lamborn, Mason, Millekan, Miller, Osborn, Overmyer, Pierce of Porter, Ratliff, Ruddell, Sabin, Skidmore, Smith, Stephenson, Stewart of Ohio, Stewart of Rush, Underwood, Vardeman, Vater, Wildman, Williams of Hamilton, Williams of St. Joseph, Wilson and Mr. Speaker of the House—45.

The whole number of votes given for Mr. Cumback was 67.

Those who voted for Mr. Hendricks were,

Messrs. Bird, Bradley, Carson, Denbo, Gifford, Hanna, Henderson, Hawk, Huey, Huffman, Humphreys, Johnson of Montgomery, Laselle, Lee, Morgan, Sherrod, Smith, Taggart and Turner of the Senate—19.

Messrs. Addison, Admire, Barritt, Bates, Bobo, Britton, Calvert, Carnahan, Cave, Coffroth, Cory, Cotton, Cox, Cunningham, Dittmore, Fuller, Hutchings, Hyatt, Johnson of Montgomery, Lawler, Logan, Long, McBride, McDonald, McFadin, McGregor, Miles, Miner, Mock, Montgomery, Neff, Odell, Palmer, Peale, Shoaff, Shoemaker, Sleeth, Small, Tebbs, Welborn, Williams of Knox, Zenor and Zollars of the House—44.

Whole number of votes given for Mr. Hendricks was 63.

Those who voted for Mr. Frazer were,

Messrs. Beardsley, Cravens, Fosdick, Hooper, Hughes, Kinley, Scott, Stein and Wolcott of the Senate—9.

Messrs. Baker, Chapman, Davidson, Davis, Higbee, Mitchell, Monroe, Pierce of Vigo, and Taber of the House—9.

The whole number of votes given for Mr. Frazer was 18.

The total number of votes given by the Joint Convention was 148.

No person having received a majority of all the votes given the
S. J.—11

Joint Convention proceeded to vote again for a Senator in Congress.

Pending which,

On motion by Mr. Williams of Knox, of the House, the Joint Convention took a recess until 3 o'clock, P. M.

The Senate returned to its Chamber.

On motion by Mr. Bellamy, the Senate adjourned.

THURSDAY, 2 O'CLOCK P. M.

The Senate met.

Mr. Scott offered the following resolution :

Resolved, That when the Senate adjourns it adjourn until 10 o'clock P. M., to-morrow.

Which was adopted.

Mr. Scott moved that a recess be taken until 3 o'clock P. M.

Which was agreed to.

The hour having arrived, the Senate repaired to the Hall of the House of Representatives, where the vote for Senator in Congress from Indiana, pending when the Joint Convention took a recess, was proceeded with, with the following result :

Those who voted for Mr. Cumback were,

Messrs. Andrews, Armstrong, Bellamy, Case, Caven, Church, Colley, Elliott, Fisher, Gray, Green, Hadley, Hamilton, Hess, Jaquess, Johnson of Spencer, Rice, Reynolds, Robinson of Madison, Robinson of Decatur, and Wood of the Senate—21.

Messrs. Barnett, Beeler, Bowen, Breckinridge, Buskirk, Chittenden, Dunn, Fairchild, Field of Lake, Field of Lagrange, Furnas,

Gilham, Gordon, Green, Hall, Hamilton, Higgins, Hutson, Johnson of Park, Johnson of St. Joseph, Jump, Kercheval, Lamborn, Mason, Millekan, Miller, Osborn, Overmyer, Pierce of Porter, Ratliff, Ruddell, Sabin, Skidmore, Smith, Stephenson, Steward of Ohio, Stewart of Rush, Underwood, Vardeman, Vater, Wildman, Williams of Hamilton, Williams of St. Joseph, Wilson, and Mr. Speaker of the House—45.

The whole number of votes given for Mr. Cumback was 66.

Those who voted for Mr. Hendricks were,

Messrs. Bird, Bradley, Carson, Denbo, Gifford, Hanna, Henderson, Hawk, Huey, Huffman, Humphreys, Johnson of Montgomery, Laselle, Lee, Morgan, Sherrod, Smith, and Taggart of the Senate—18.

Messrs. Addison, Admire, Barritt, Bates, Bobo, Britton, Calvert, Carnahan, Cave, Coffroth, Cory, Cotton, Cox, Cunningham, Dittmore, Fuller, Hatchings, Hyatt, Johnson of Montgomery, Lawler, Logan, Long, McBride, McDonald, McFadin, McGregor, Miles, Miner, Mock, Montgomery, Neff, Odell, Palmer, Peale, Shoaff, Shoemaker, Sleeth, Sunman; Tebbs, Welborn, Wile, Williams of Knox, Zenor, and Zollers of the House—44.

The whole number of votes given for Mr. Hendricks was 62.

Those who voted for Mr. Frazer were,

Messrs. Beardsley, Cravens, Fosdick, Hooper, Hughes, Kinley, Scott, Stein, and Wolcott of the Senate—9.

Messrs. Baker, Chapman, Davidson, Davis, Higbee, Mitchell, Monroe, Pierce of Vigo, and Taber of the House—9.

The whole number of votes given for Mr. Frazer was 18.

The total number of votes given by the Joint Convention was 146.

No person having received a majority of all the votes given, the Joint Convention proceeded to vote again for a Senator in Congress from the State of Indiana, with the following result:

Those who voted for Mr. Cumback were,

Messrs. Andrews, Armstrong, Bellamy, Case, Caven, Church, Colley, Elliott, Fisher, Gray, Green, Hadley, Hamilton, Hess, Jaquess, Johnson of Spencer, Rice, Reynolds, Robinson of Madison, Robinson of Decatur, and Wood of the Senate—21.

Messrs. Barnett, Beeler, Bowen, Breckinridge, Buskirk, Chittenden, Dunn, Fairchild, Field of Lake, Field of Lagrange, Furnas, Gillam, Gordon, Green, Hall, Hamilton, Higgins, Hutson, Johnson of Parke, Johnson of St. Joseph, Jump, Kerchival, Lamborn, Mason, Millekan, Miller, Osborn, Overmeyer, Pierce of Porter, Ratliff, Ruddell, Sabin, Skidmore, Smith, Stevenson, Stewart of Ohio, Stewart of Rush, Underwood, Vardeman, Vater, Wildman, Williams of Hamilton, Williams of St. Joseph, Wilson, and Mr. Speaker, of the House—45.

The whole number of votes given for Hon. Will Cumbback was 66.

Those who voted for Mr. Hughes were,

Messrs. Bird, Bradley, Carson, Denbo, Gifford, Hanna, Henderson, Howk, Huey, Huffman, Humphreys, Johnson of Montgomery, Laselle, Lee, Morgan, Sherrod, Smith, and Taggart of the Senate—18.

Messrs. Addison, Admire, Barritt, Bates, Britton, Calvert, Carnahan, Cave, Coffroth, Cotton, Cox, Dittemore, Fuller, Hutchings, Hyatt, Johnson of Montgomery, Lawler, Logan, Long, McBride, McDonald, McFadden, McGregor, Miles, Minor, Mock, Montgomery, Neff, Odell, Palmer, Peale, Shoaff, Shoemaker, Sleeth, Sunman, Welborn, Wile, Williams of Knox, Zenor, and Zollers, of the House—40.

The whole number of votes given for Hon. James Hughes was 58.

Those who voted for Mr. Frazer were,

Messrs. Beardsley, Cravens, Fosdick, Hooper, Hughes, Kinley, Scott, Stein and Wolcott, of the Senate—9.

Messrs. Baker, Chapman, Davis, Davidson, Higby, Mitchell, Monroe, Pierce of Vigo and Tabor, of the House—9.

The whole number of votes given for the Hon. James Frazer was 18.

Those who voted for Mr. Hendricks were,

Messrs. Bobo, Cory, Cunningham and Tebbs, of the House—4.

The whole number of votes given for the Hon. Thomas A. Hendricks was four.

The whole number of votes given by the Joint Convention was 146.

No person having received a majority of all the votes given, the Joint Convention proceeded to vote again for a Senator in Congress from Indiana, with the following result:

Those who voted for Mr. Cumback were,

Messrs. Andrews, Armstrong, Bellamy, Case, Caven, Church, Colley, Elliot, Fisher, Gray, Green, Hadley, Hamilton, Hess, Jaquess, Johnson of Spencer, Rice, Reynolds, Robinson of Madison, Robinson of Decatur, and Wood, of the Senate—21.

Messrs. Barnett, Beeler, Bowen, Breekinridge, Buskirk, Chittenden, Dunn, Fairchild, Field of Lake, Field of Lagrange, Furnas, Gilham, Gordon, Green, Hall, Hamilton, Higgins, Hutson, Johnson of Parke, Johnson of St. Joseph, Jump, Kereheval, Lamborn, Mason, Millekan, Miller, Osborn, Overmeyer, Pierce of Porter, Ratliff, Ruddell, Sabin, Skidmore, Smith, Stephenson, Stewart of Ohio, Stewart of Rush, Underwood, Vardeman, Vater, Wildman, Williams of Hamilton, Williams of St. Joseph, Wilson and Mr. Speaker, of the House—46.

The whole number of votes given for Hon. Will Cumback was 66.

Those who voted for Mr. Hughes were,

Messrs. Bird, Bradley, Carson, Denbo, Gifford, Hanna, Henderson, Howk, Huey, Huffinan, Humphreys, Johnson of Montgomery, Laselle, Lee, Morgan, Sherrod, Smith, and Taggart, of the Senate—18.

Messrs. Addison, Admire, Barrett, Bates, Britton, Calvert, Carnahan, Cave, Coffroth, Cotton, Cox, Dittemore, Fuller, Hutchings, Hyatt, Johnson of Montgomery, Lawler, Logan, Long, McBride, McDonald, McFadden, McGregor, Miles, Miner, Mock, Mont-

gomery, Neff, Odell, Palmer, Peale, Shoaff, Shoemaker, Sleeth, Sunman, Welborn, Wile, Williams of Knox, Zenor, and Zollers, of the House—40.

The whole number of votes given for the Hon. James Hughes was fifty-eight.

Those who voted for Mr. Frazer were,

Messrs. Beardsley, Gravens, Fosdick, Hooper, Hughes, Kinley, Scott, Stein and Wolcott, of the Senate—9.

Messrs. Baker, Chapman, Davidson, Davis, Higbee, Mitchell, Monroe, Pierce of Vigo and Tabor, of the House—9.

The whole number of votes given for the Hon. James A. Frazer was eighteen.

Those who voted for Mr. Hendricks were,

Messrs. Bobo, Cory, Cunningham and Tebbs, of the House—4.

The whole number of votes given for Hon. Thomas A. Hendricks was four.

The total number of votes given by the Joint Convention was 146.

No person having received a majority of all the votes given, the President of the Senate, *pro tem.*, declared the Joint Convention adjourned.

The Senate returned to its chamber.

On motion by Mr. Denbo, the Senate adjourned.

FRIDAY MORNING, 10 o'clock, }
 January 22, 1869. }

The Senate met.

On motion of Mr. Johnson of Montgomery, the reading of yesterday's Journal was dispensed with.

Mr. Andrews presented a petition from sundry citizens of the State, asking for legislation to remove the evil growing out of railroad combinations, and fix a limit to the unjust discrimination practiced in local freight and passenger business.

Which was referred to the Committee on Corporations.

REPORTS OF STANDING COMMITTEES.

Mr. Gifford, from the Committee on County and Township Business, made the following report:

MR. PRESIDENT:

The Committee on County and Township Business, to whom was referred Senate bill No. 67, entitled "An act to amend the fifth section of an act entitled an act to provide for a more uniform mode of doing township business, prescribing the duties of certain officers in connection therewith, and to repeal all laws conflicting with this act," approved February 1859, and declaring an emergency, have had the same under consideration, and have directed me to report it back and recommend its passage.

Which report was concurred in.

Mr. Case, from the Committee on County and Township Business, made the following report:

MR. PRESIDENT:

The Committee on County and Township Business, to whom was referred House bill No. 8, "A bill authorizing appraisers of real estate to appoint their deputies, and to remove the same, and

to fix the compensation of such appraisers and deputies, and to legalize the appointment of deputies heretofore made by appraisers and Boards of County Commissioners," having had the same under consideration, have instructed me to report the same back to the Senate, and recommend its passage.

Which report was concurred in.

Mr. Johnson of Montgomery moved to suspend the rules, and that the bill be read a second and third times now.

The ayes and noes were taken under the Constitution.

Those who voted in the affirmative were,

Messrs. Andrews, Armstrong, Beardsley, Bellamy, Bradley, Carson, Caven, Church, Cravens, Denbo, Elliott, Fisher, Fosdick, Gifford, Green, Hadley, Hamilton, Hanna, Henderson, Hess, Houghton, Howk, Huey, Huffman, Hughes, Humphreys, Jaquess, Johnson of Spencer, Johnson of Montgomery, Kinley, Morgan, Rice, Reynolds, Robinson of Madison, Robinson of Decatur, Scott, Smith, Wolcott and Wood—39.

No Senator voting in the negative.

So the rules were suspended and the bill was read a second time.

Mr. Bellamy offered the following amendment to the bill:

Section —: The said appraiser shall make his report to the County Auditor on the 4th Monday of December, at which time the Board of Equalization shall meet, and the appraisement of 1863 shall remain as the basis of taxation until the said appraisement shall have been completed.

Which, on motion by Mr. Johnson of Montgomery,
Was laid upon the table.

The bill was then read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Andrews, Armstrong, Beardsley, Bellamy, Bird, Bradley, Carson, Case, Caven, Church, Colley, Cravens, Denbo, Elliott

Fisher, Fosdick, Gifford, Gray, Green, Hadley, Hamilton, Hanna, Henderson, Hess, Hooper, Houghton, Howk, Huey, Huffman, Humphreys, Jaquess, Johnson of Spencer, Johnson of Montgomery, Kinley, Laselle, Lee, Morgan, Rice, Reynolds, Robinson of Madison, Robinson of Decatur, Scott, Smith, Stein, Turner, Wolcott and Wood—46.

No Senator voting in the negative.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

Mr. Denbo, from the Committee on the Organization of Courts, presented the following report :

MR. PRESIDENT :

The Committee on the Organization of Courts, to whom was referred Senate bill No. 58, an act to amend section 16 of "An act regulating the fees of officers, and repealing former acts in relation thereto," approved March 2, 1855, have had the same under consideration, and recommend the following amendments :

Strike out after the word "act," in section 1, down to and including the word "same," on line one, page two.

Insert after the word "the," in line five, on page two, the words "civil and criminal," and strike out the last five lines on page two.

Subject to these amendments the committee recommend its passage.

Which report was concurred in, and the amendments adopted.

Mr. Robinson of Madison, from the Committee on Organization of Courts, made the following report :

MR. PRESIDENT :

The Committee on the Organization of Courts, to whom was referred Senate bill No. 40, introduced by Senator Howk, "An act to regulate the practice as to continuances and changes of venue in criminal actions," &c., have had the same under consideration,

and report the same back and recommend that it be referred to the Judiciary Committee.

Which report was concurred in, and the bill therein contained was referred to the Committee on the Judiciary.

Mr. Robinson of Madison, from the Committee on the Judiciary, made the following report :

MR. PRESIDENT :

The Judiciary Committee, to whom was referred Senate bill No. 46, " An act to provide for the detection and arrest of felons, report that they have had the same under consideration, and respectfully recommend that said bill be laid upon the table.

Which report was concurred in.

Mr. Scott, from the Committee on the Organization of Courts, made the following report :

MR. PRESIDENT :

The Committee on the Organization of Courts, to whom was referred Senate bill No. 55, " An act creating the 23d Judicial Circuit and providing for the election of a Judge and Prosecuting Attorney, and providing compensation therefor, declaring the jurisdiction of said courts and providing for the transfer of actions thereto.

Which report was concurred in.

Mr. Stein, from the Committee on Organization of Courts, made the following report :

MR. PRESIDENT :

The Committee on the organization of Courts to whom was referred Senate bill No. 59, introduced by Senator Caven, entitled " An act regulating changes of venire, continuances, the subpœnaing and compelling attendances of witnesses in, and the arguments in criminal cases, and providing for the repeal of all laws in conflict herewith," have had the same under consideration, and recommend the following amendments.

Amend Section 3, by adding " but such subpœna shall be attested

by the judge and clerk of the Court to which the same is returnable, and by the seal of said Court."

Amend the title by inserting after the word "the" in the third line, the words "order of" and striking out the word "of" after the word "argument."

With these amendments the Committee recommend its passage.

Which report was concurred in, and amendments adopted.

Mr. Robinson, of Decatur, from the Committee on Roads, reported back certain memorials on the subject of Railroads.

Which were referred to the Committee on Corporations.

Mr. Howk, from the Committee on the Judiciary, made the following report:

MR. PRESIDENT:

The Committee on the Judiciary, to which was referred Senate bill No. 21, "entitled "An act to amend the tenth section of an act touching official bonds and oaths," having duly considered the same, respectfully report that the object of the proposed amendment is to enable the sureties on official bonds to limit the amount of their liability on such bonds, by an indorsement on the face thereof.

The Committee believe the proposed amendment to be injudicious, if not impracticable, and therefore respectfully recommend that the said bill be laid on the table.

Which report was concurred in, and the bill therein contained, was laid upon the table.

Mr. Armstrong, chairman of a Select Committee made the following report:

MR. PRESIDENT:

The Special Committee to whom was referred Senate Resolution on Employees of Senate, have performed the duty assigned them, and submit the following report:

By reference to the accompanying reports of the Secretary, Assistant Secretary and Doorkeeper, which are herewith submitted, it

will be seen that Mr. Wilson has made eight appointments, Mr. Bonham six, and Mr. Furnish thirteen, including three pages for Senate, making in all twenty-seven appointments. Your Committee think the number of appointees large, but being assured that the number appointed is necessary to the faithful discharge of the duties devolving upon those officers, their action is hereby ratified.

All of which is respectfully submitted.

The question being Shall the report of the Select Committee be concurred in?

Mr. Hughes offered the following resolution.

Resolved, That the report of the Select Committee on Employees of the Senate, be and is hereby recommitted to said Committee, with instructions to report the counties in which the several employees reside, and the names of the person or persons upon whose recommendation they were appointed.

Which was adopted.

Mr. Armstrong, chairman of a select committee, made the following report:

MR. PRESIDENT:

The Special Committee to whom was referred the resolution on Mileage of Senators, submit the following report:

Alanson Andrews, Jennings,.....	63-126
F. G. Armstrong, Carroll,.....	95-190
J. R. Beardsley, Elkhart,.....	186-372
F. J. Bellamy, Switzerland,.....	110-220
Oehmig Bird, Allen,.....	150-300
Jones Bradley, Laporte,.....	158-316
William Carson, Allen,.....	150-300
Abner Case, Lagrange,..	250-500
John Caven, Marion,.....	
John R. Cravens, Jefferson,.....	86-172
George Denbo, Harrison,.....	132-264
James Elliott, Fayette,.....	60-120

Sterns Fisher, Wabash,.....	89-178
E. W. Fosdick, DeKalb,.....	250-500
Thomas Gifford, Franklin,.....	77-154
Isaac P. Gray, Randolph,....	84-168
John Green, Tipton,.....	40-80
John V. Hadley, Hendricks,....	23-46
Thomas M. Hamilton, Clinton.....	45-90
James M. Hanna, Clay,.....	93-186
E. Henderson, Morgan,	32-64
Luther M. Hess, Henry,.....	70-140
A. Y. Hooper, Whitley,.....	210-420
Aaron Houghton, Martin,.....	166-332
George V. Howk, Floyd,.....	114-228
Robert Huey, Jay,.....	110-220
Elijah Huffman, Dearborn,.....	98-196
James Hughes, Monroe,.....	55-110
John Humphreys, Green,.....	114-228
Thos. C. Jaquess, Posey,.....	200-400
S. F. Johnson, Spencer,.....	230-460
Archibald Johnson, Montgomery,.....	50-100
Isaac Kinley, Wayne,.....	70-140
Charles B. Laselle, Cass,.....	78-156
Thomas Lee, Bartholomew,.....	40-80
Daniel Morgan, Vanderburg,.....	192-384
T. A. Rice, Park,.....	96-198
John Reynolds, St. Joseph,.....	175-350
Milton S. Robinson, Madison,.....	36-72
William J. Robinson, Decatur,.....	40-80
Harvey D. Scott, Vigo,.....	73-146
Wm. F. Sherrod, Orange,.....	170-340
Wilson Smith, Huntington,.....	108-216
John A. Stein, Tippecanoe,.....	65-130
William Taggart, Brown,.....	60-120
W. S. Turner, Daviess,.....	176-352
Anson Wolcott, White,.....	98-196
S. F. Wood, Fountain,.....	113-226
Lieut. Gov. Will Cumback, Decatur,.....	45-90

All of which is respectfully submitted.

Which report was concurred in.

RESOLUTIONS.

Mr. Kinley offered the following resolution :

Resolved, That the Doorkeeper be instructed to prevent tobacco smoking in the Senate Chamber and adjacent rooms, during the sessions and recesses of the Senate.

Which was adopted.

Mr. Scott offered the following resolution :

Resolved, That 500 copies of the Report of the Trustees of the Wabash and Erie Canal, be printed for the use of the Senate.

Which was adopted and referred to the Committee on Printing.

BILLS INTRODUCED.

Mr. Reynolds introduced

Senate bill No. 89. An act to amend an act entitled "An act to enable the owners of wet lands to drain and reclaim them, where the same cannot be done without effecting the lands of others, prescribing the powers and duties of County Boards and County Auditors in the premises, and repealing all laws inconsistent therewith," approved March 11th, 1867, by amending sections 3, 4, 5, 6, 9 and 11, and adding section 16 to provide for entering satisfaction of the liens acquired under said act.

Which was read a first time, and referred to the Committee on Corporations.

Mr. Bradley introduced

Senate bill No. 90. An act to amend the thirty-fourth subdivision of section 53 of an act entitled an act to repeal all general laws now in force for the incorporation of cities, and to provide for the incorporation of cities, and prescribing their powers and rights, and the manner in which they shall exercise the same, and to regulate such other matters as properly pertain thereto, approved March 14th, 1867, and declaring an emergency.

Which was read a first time, and referred to the Committee on Corporations.

Mr. Huffman introduced

Senate bill No. 91. An act to amend the second section of an

act to secure a just valuation and taxation of all railroad property within this State; to legalize the valuation assessment adjustment and payment of taxes for such property made subsequent to the year 1859, approved December 18, 1865, and declaring an emergency.

Which was read a first time and referred to the Committee on Corporations.

Mr. Wolcott introduced

Senate bill No. 92. An act to prescribe the duration of the terms of the Circuit Court in the counties of Newton and Jasper.

Which was read a first time, and referred to the Committee on Organization of Courts.

Mr. Howk introduced

Senate bill No. 93. An act to regulate the practice as to making, reading, and signing the record entries in the Circuit Courts and Courts of Common Pleas, and to repeal all acts in conflict therewith.

Which was referred to the Committee on the Judiciary.

The following message from His Excellency, Gov. Baker, was taken up :

EXECUTIVE DEPARTMENT, }
Indianapolis, January 21, 1869. }

MR. PRESIDENT :

I am directed by the Governor to transmit to the Senate his message in relation to the appointment of Trustees of the State Normal School.

JOHN M. COMMONS,
Private Secretary.

Gentlemen of the Senate :

By the act to create a State Normal School, approved Dec. 20, 1865, it is provided that the Governor shall appoint, subject to the approval of the Senate, four competent persons, who shall in themselves and in their successors, constitute a body corporate, and be known and designated as "The Board of Trustees of the Indiana State Normal School." The act further provides that two members of this Board, as may be determined by lot or otherwise, shall

retire at the expiration of two years from their appointment, and the remaining two in four years, and that the Governor, subject to the approval of the Senate, shall appoint their successors, to serve for the term of four years. The act likewise provides that all vacancies in the Board, from death or resignation, shall be filled by appointment by the Governor.

On the 20th day of Dec., 1865, John Ingle, Jr., W. C. Hanna, Isaac Kinley, and Barnabas C. Hobbs were nominated and confirmed by the Senate. Subsequently, it was decided by the Trustees thus appointed that John Ingle, Jr., and Barnabas C. Hobbs should retire at the expiration of two years, and that Isaac Kinley and W. C. Hanna should serve for the term of four years from the time of their appointment.

On the first day of September, 1866, Isaac Kinley, one of said Trustees, resigned and his resignation was accepted by Governor Morton on the 12th of the same month, and on the same day Governor Morton appointed J. M. Olcott, of Vigo county, to fill the vacancy. New appointments should have been made at the last session of the General Assembly of two Trustees to succeed said Ingle and Hobbs, as their terms were to expire on the 20th day of December, 1867. The matter, however, was overlooked until after the adjournment. Subsequently I wrote to Messrs. Ingle and Hobbs, requesting them to hold over until the meeting of the present General Assembly. Mr. Olcott's appointment, made to fill the vacancy occasioned by the resignation of Mr. Kinley, should, I suppose, also have been reported to the Senate at its last session; but as the appointment had been made by my predecessor, and my attention was not called to the matter, it was also neglected. On the 19th day of October, 1868, Barnabas C. Hobbs resigned his place as a member of the Board of Trustees, and on the same day I appointed Timothy Nicholson to fill the vacancy. I now, therefore, report to the Senate the appointment of the said J. M. Olcott to fill the vacancy occasioned by the resignation of Isaac Kinley, that is, to serve until the 20th day of December, 1869, and respectfully ask that the Senate approve the same. I also hereby appoint the said Timothy Nicholson as the successor of the said Barnabas C. Hobbs for the unexpired term of said Hobbs, as it would have existed if his appointment had been confirmed by the Senate at its last session, that is, to serve until the 20th day of December, 1871, and respectfully ask that the appointment may be confirmed by the

Senate. I also appoint the said John Ingle, Jr., to serve for the term of four years from the 20th day of Dec., 1867, and respectfully ask the Senate's approval of the appointment.

CONRAD BAKER.

EXECUTIVE CHAMBER,
Indianapolis, January 21, 1869.

Which, on motion of Mr. Hughes, was referred to the Committee on Education.

SENATE BILLS ON SECOND READING.

Senate bill No. 6. A bill to authorize appraisers of real estate to appoint deputies and legalize appointments already made, and to fix the pay of appraisers and deputies.

Was read a second time, and, on motion, was laid on the table.

HOUSE BILLS ON SECOND READING.

House bill No. 10. A bill in relation to the settlement of decedents' estates.

Was read a second time, and passed to a third reading on tomorrow.

On motion by Mr. Bradley,

The Governor's message, in reference to Michigan City harbor, was taken up and referred to a select committee.

And the President appointed Messrs. Bradley, Scott and Reynolds said committee.

Mr. Hughes called up his motion to reconsider the vote of the Senate concurring in the report of a select committee to apportion the Biennial Message of His Excellency, the Governor, to appropriate committees.

The motion to reconsider was agreed to.

Mr. Hughes moved to so amend the report as to refer the portion of the message relating to the public debt and the State Sinking Fund, to the Committee of the Whole Senate.

The portion relating to the Adjutant General's Report, Quarter-S. J.—12

master General's Report, and War Claims Commission Report to a Committee of the Whole Senate.

The portion relating to the Agricultural College to the Committee on Education.

Which was agreed to, and the report, as amended, was concurred in.

The hour of 12 M. having arrived, the Senate, in obedience to the act of Congress, approved July 25, 1866, repaired to the Hall of the House of Representatives for the purpose of voting for a Senator in Congress from the State of Indiana.

Lieut. Governor Will Cumbaek took the chair, and proclaimed the purpose of the meeting of the Joint Convention.

Nominations for Senator in Congress being in order,

Mr. Robinson, of the Senate, put in nomination the Hon. D. D. Pratt for that office.

Mr. Hanna put in nomination the Hon. Thos. A. Hendricks for that office.

Those who voted for Mr. Pratt were,

Messrs. Andrews, Armstrong, Beardsley, Bellamy, Case, Caven, Church, Colley, Cravens, Elliott, Fisher, Fosdick, Gray, Green, Hadley, Hamilton, Hess, Hooper, Houghton, Hughes, Jaquess, Johnson of Spencer, Kinley, Rice, Reynolds, Robinson of Madison, Robinson of Decatur, Scott, Stein, Wolcott and Wood of the Senate—31.

Messrs. Baker, Barnett, Beeler, Bowen, Breckinridge, Buskirk, Davidson, Davis, Dunn, Fairchild, Field of Lake, Field of Lagrange, Furnas, Gilham, Gordon, Greene, Hall, Hamilton, Higbee, Higgins, Hutson, Johnson of St. Joseph, Jump, Kercheval, Lamborn, Mason, Millekan, Miller, Mitchell, Monroe, Osborn, Overmyer, Pierce of Porter, Pierce of Vigo, Ratliff, Ruddell, Sabin, Skidmore, Smith, Stephenson, Stewart of Ohio, Stewart of Rush, Taber, Underwood, Wardman, Vater, Wildman, Williams of Hamilton, Williams of St. Joseph, Williams of Union, Wilson and Mr. Speaker of the House—52.

Whole number of votes given for the Hon. D. D. Pratt, was 83.

Those who voted for Mr. Hendricks were,

Messrs. Bird, Bradley, Carson, Denbo, Gifford, Hanna, Henderson, Howk, Huey, Huffman, Humphreys, Laselle, Lee, Morgan, Sherrod, Smith, Taggart and Turner of the Senate—18.

Messrs. Addison, Admire, Barritt, Bates, Bobo, Britton, Calvert, Carnahan, Cave, Coffroth, Cox, Cunningham, Dittmore, Fuller, Hutchings, Hyatt, Johnson of Montgomery, Lawler, Logan, Long, McBride, McDonald, McFaddin, McGregor, Miles, Miner, Mock, Montgomery, Neff, Odell, Palmer, Peale, Shoaff, Shoemaker, Sleeth, Sunman, Tebbs, Welborn, Wile, Williams of Knox, Zenor and Zollers, of the House—42.

The whole number of votes given for the Hon. T. A. Hendricks was 60.

The whole number of votes given by the Joint Convention was 143.

Hon. D. D. Pratt having received a majority of all the votes given, was by the Joint Convention, declared duly elected Senator in Congress, to serve as such for the term of six years from and after the 4th day of March A. D. 1869.

The Lieutenant Governor then declared the Joint Convention adjourned *sine die*, and the Senate returned to its chamber.

Mr. Cravens offered the following resolution:

Resolved, That when the Senate adjourns, that it adjourn until Monday next, at two o'clock P. M., which was adopted.

Leave of absence was granted Mr. Turner for one week.

Leave of absence was granted Mr. Johnston of Montgomery.

Leave of absence was granted Mr. Armstrong.

Leave of absence was granted Mr. Morgan.

Leave of absence was granted Mr. Hadley for one week.

Leave of absence was granted Mr. Gray until Monday evening next.

Leave of absence was granted the Committee on Southern Prison.

On motion of Mr. Andrews, Mr. Gifford was added to the Committee on Prisons.

On motion of Mr. Stein the Senate adjourned.

MONDAY AFTERNOON, 2 o'clock, }
January 25, 1869. }

The Senate met.

The journal of Friday was read.

PETITIONS, MEMORIALS AND REMONSTRANCES.

Mr. Caven presented a petition from W. H. Talbott and E. C. Costigan, asking compensation for property left at the Northern State Prison.

Which was referred to the Committee on Claims.

Leave of absence was granted to Messrs. Hooper, Hawk, and Robinson of Madison.

Mr. Caven presented the petition of L. S. Newell, asking compensation for Music, Books, &c., furnished for the pupils of the Institute for the Blind.

Which was referred to the Committee on Claims.

Mr. Lee presented a petition from sundry citizens of the State, asking such legislation as will remove the evil growing out of Rail Road combinations, and fix a limit to the unjust discrimination practiced in local freight and passenger business.

Which was referred to the Committee on Corporations.

Mr. Hess presented a petition on the subject of Indiana Railroad combinations with those of other States.

Which was referred to the Committee on Corporations.

REPORTS FROM STANDING COMMITTEES.

Mr. Bellamy, from the Committee on Education, made the following report:

MR. PRESIDENT:

The Committee on Education, to whom was referred the Special

Message of His Excellency, Governor Conrad Baker, appointing as trustees of State Normal School, J. M. Olcott, Timothy Nicholson, and John Ingle, Jr., and asking the confirmation of the same: respectively report the following confirmatory resolution for the action of the Senate.

Resolved, That the following appointments made by His Excellency, Governor Conrad Baker, of Trustees of the State Normal School, be, and the same are hereby confirmed; said terms of offices to continue from, and expire at the dates hereinafter mentioned.

J. M. Olcott, to serve from the 12th day of September, 1866, to the 20th day of December, 1869, Vice Isaac Finley, resigned.

Timothy Nicholson, to serve from the 19th day October, 1868, until the 20th day of December, 1871, Vice Barnabas C. Hobbs, resigned.

Which report was concurred in, and the resolutions therein contained, were adopted.

Mr. Caven, from the Judiciary Committee, made the following report:

MR. PRESIDENT:

The Judiciary Committee, to whom was referred Senate bill No. 26, entitled "An Act, fixing the salaries of Common Pleas Judges, repealing all laws in conflict herewith, and declaring an emergency," report that they have had the same under consideration, and respectfully recommend, that said bill lie on the table.

Which report was concurred in.

Mr. Caven, from the Committee on Judiciary, made the following report:

MR. PRESIDENT:

The Judiciary Committee, to whom was referred, Senate bill, No. 62, entitled "An Act to amend Section 6 of an Act, declaratory of the law regulating marriages, and enforcing the provisions thereof, by proper penalties, approved March 5th, 1852," report that

they have had the same under consideration, and respectfully recommend, that said bill lie on the table.

Which report was not concurred in.

Mr. Caven, from the Judiciary Committee, made the following report:

MR. PRESIDENT:

The Judiciary Committee, to whom was referred Senate bill No. 64, entitled "An act authorizing Voluntary Associations, formed under an act entitled An act concerning the organization of Voluntary Associations, and repealing former laws in reference thereto, passed Feb. 12, 1855, to acquire title to lands that have heretofore been used as burial places,"

Report that they have had the same under consideration, and respectfully recommend that said bill lie on the table.

Which report was not concurred in.

Mr. Scott, from the Committee on the Judiciary, made the following report:

MR. PRESIDENT:

The Judiciary Committee, to whom was referred Senate bill No. 68, entitled A bill to amend Section 1 of an act entitled "An act to authorize the formation of companies for the detection of horse thieves and other felons, and defining their powers. Approved March 9th, 1862,"

Report that they have had the same under consideration, and recommend the following amendment.

Strike out all after the word "follows" in the fourth line of Section 1, to and including the word "provided" in the sixteenth line of the same section.

And when so amended, respectfully recommend the passage of said bill.

Which was concurred in.

Mr. Stein, from the Committee on Judiciary, made the following report:

MR. PRESIDENT :

The Judiciary Committee, to whom was referred Senate bill No. 17, entitled An act to regulate the sale of Patent Rights, and prevent fraud in connection therewith.

Report that they have had the same under consideration, and recommend the following amendments, to wit :

1. Strike out the word "the " in line eleven, and insert "copies thereof."

2. Strike out the word "or" in line eleven.

3. Strike out the words "copies thereof" in line twelve.

4. Strike out the word "offence" in the eleventh line of Section 3, and insert "misdemeanor."

5. Insert the words "or jury trying the same."

Which report was concurred in, and the amendments were adopted.

Mr. Caven from the Committee on the Judiciary, made the following report :

MR. PRESIDENT :

The Judiciary Committee, to whom was referred Senate bill No. 66, entitled An act to repeal an act entitled an act to ascertain the amount of the fees and salaries of the Clerks of the Supreme, Circuit and Common Pleas Courts of the State, of the Sheriff of the Supreme Court, and of the various Courts of the State, County Auditors, Treasurers and Recorders, Circuit and Prosecuting Attorneys, and to provide punishment for a violation of its provisions,

Report that they have had the same under consideration, and respectfully recommend the passage of said bill.

Which report was concurred in.

Mr. Stein, from the Committee on Judiciary, made the following report :

MR. PRESIDENT :

The Judiciary Committee, to whom was referred Senate bill No. 56, entitled an act to amend sections 133, and 134 of "An act providing for settlement of decedent's estates, prescribing the rights, liabilities, and duties of officers connected with the management thereof, and the heirs thereto, and certain forms to be used

in such settlement," report that they have had the same under consideration, and recommend the following amendment, to-wit :

Strike out all of said bill after the word "act," on line 15, page 1, to and including the word "then," on line 16, page 2, and, upon the adoption of said amendment, respectfully recommend the passage of said bill.

Which report was concurred in.

Mr. Rice, from the Committee on Judiciary, made the following report :

MR. PRESIDENT :

The Judiciary Committee, to whom was referred Senate bill No. 51, entitled an act to amend section 9, and repealing part of section 16, of "An act entitled, concerning partition of lands," approved May 20th, 1852, report that they have had the same under consideration, and recommend the following amendment, to-wit :

Strike out all of said bill after the words and figures 1852, on line 4, page 1, to and including the word partition, on line 18, page 1, and, upon the adoption of said amendment, respectfully recommend its passage.

Which amendment was adopted, and report concurred in.

Mr. Rice, from the Committee on the Judiciary, made the following report :

MR. PRESIDENT :

The Judiciary Committee, to whom was referred Senate bill No. 50, entitled "An act providing for the collecting forfeited recognizances," report that they have had the same under consideration, and respectfully recommend that said bill lie on the table.

Which report was concurred in.

Mr. Caven, from the Committee on the Judiciary, made the following report :

MR. PRESIDENT :

The Judiciary Committee, to whom was referred Senate bill No. 69, entitled an act to amend section 455 of an act entitled "An

act to revise, simplify, and abridge the rules, practice, pleadings, and forms in civil cases, in the Courts of this State; to abolish distinct forms of actions at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity," report that they have had the same under consideration, and respectfully recommend the passage of said bill.

Which report was not concurred in.

Mr. Caven from the Committee on the Judiciary made the following report:

MR. PRESIDENT:

The Judiciary Committee to whom was referred Senate bill No. 72, entitled "An act to amend section 18 of an act regulating decents and apportionments of estates," approved May 14th, 1852, report that they have had the same under consideration and respectfully recommend that said bill lie on the table.

Which report was concurred in.

REPORTS FROM SELECT COMMITTEES.

Mr. Bradley from a select committee, made the following report:

MR. PRESIDENT:

The select committee to whom was referred the communication of the Governor, relative to the Harbor at Michigan City, have had the same under consideration, and have instructed me to report the accompanying joint resolution, and to recommend its passage:

A joint resolution in relation to the Harbor at Michigan City, which was read, and on motion of Mr. Fisher was laid over until to-morrow.

RESOLUTIONS.

Mr. Green offered the following resolution:

Resolved, That the State Librarian purchase for the enrolling and engrossing room of the Senate, a good wood stove to replace a coal stove now in use.

Which was agreed to.

Mr. Hughes offered the following resolution :

Resolved, That the Committee on Congressional Apportionment, and the Committee on Legislative Apportionment, be and are hereby constituted a Committee for the purpose of considering the legality and expediency of revising and changing the Congressional Apportionment of this State now existing, with power to elect their own chairman, and that they be and are hereby instructed to proceed to the discharge of that duty, and to report by bill or otherwise.

Which was adopted.

Mr. Stein offered the following resolution :

Resolved, That the Librarian be instructed to furnish the President of the Senate, each Senator, the principal and the assistant Secretary, with half a ream of the illustrated letter paper similar to that upon which this resolution is written.

Which was adopted.

JOINT RESOLUTIONS.

Mr. Wolcott offered joint resolution No. 5.

Resolved, By the General Assembly of the State of Indiana, that our Representatives in Congress be requested, and our Senators instructed to oppose by their influence and votes, the passage of any bill in Congress legalizing coin contracts, until the Government of the United States shall redeem its legal tender notes in coin.

Mr. Hughes offered the following as a substitute :

Resolved, That the Committee on Finance be and they are hereby instructed to inquire into the subject of National Finances, and to report resolutions of instructions to our Senators in Congress, in favor of such plan as after examination shall to them seem most conclusive to the National credit, and best calculated to relieve the people of the State.

Which resolution and substitute was referred to Committee on Finance.

Mr. Caven offered the following joint resolution No. 6 :

A joint resolution instructing our Senators, and requesting our

Representatives in Congress, to use their influence to procure the passage of an act of Congress authorizing the Secretary of the Treasury of the United States, to receive coupons of United States Bonds in payment of import duties, and permitting such coupons to be so received in advance of their becoming due.

Which was referred to the Committee on Finance.

The President appointed Messrs. Hooper, Hadley, Case, Elliott, Bird, Bradley and Henderson, to constitute the Committee on the House of Refuge.

The following messages from his Excellency, the Governor, were taken up:

EXECUTIVE DEPARTMENT, }
INDIANAPOLIS, January 22, 1869. }

Gentlemen of the Senate and House of Representatives:

I herewith respectfully transmit to the General Assembly a report of the Board of Trustees of the State University, supplemental to their annual report made July 2, 1868, and respectfully invite your attention thereto, as it contains a more full and complete exhibit of the condition of the University than that made in the annual report.

[Signed,]

CONRAD BAKER.

Which, on motion, was referred to the Committee on Education.

EXECUTIVE DEPARTMENT, }
INDIANAPOLIS, January 22, 1869. }

To the Senate of Indiana:

By the second section of the act approved March 8, 1867, entitled an act to establish a House of Refuge for the correction of juvenile offenders, it is made the duty of the Governor to fill the vacancies in the Board of Commissioners of said Institution, subject to the approval of the Senate, at the next succeeding session. On the 8th day of February, 1868, a vacancy occurred in said Board by the resignation of Gen. Joseph Orr, one of the Commissioners, and, on the 12th day of the same month, I appointed Judson R. Osgood, Esq., of Indianapolis, to fill said vacancy. His term, if his appointment shall be confirmed by the Senate, will

extend to the first day of March, 1869. I respectfully solicit the confirmation of said appointment. I also hereby appoint, subject to the approval of the Senate, the said Judson R. Osgood Commissioner of said House of Refuge, to serve as such for the term of six years, from and after the first day of March, A. D. 1869, and respectfully request the Senate's approval of said last mentioned appointment.

Which, on motion, was referred to Committee on House of Refuge.

BILLS INTRODUCED.

Mr. Cravens introduced

Senate bill, No. 94. An act touching the consolidation of Rail Roads, and declaring the effect of such consolidation.

Which was referred to a select Committee, consisting of Messrs. Cravens, Hanna, Hughes, Bradley and Stein.

Mr. Bradley introduced

Senate bill No. 95. An act to amend section three hundred and three of an act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the Courts of this State; to abolish distinct forms of action at law, and to provide for the administration of Justice in a uniform mode of pleading and practice, without distinction between law and equity.

Which was read a first time, and referred to the Committee on Judiciary.

Mr. Wood introduced

Senate bill No. 96. An act prohibiting Supreme Circuit or Common Pleas Judges, Clerks of the Circuit Court, Clerks of the Common Pleas, Auditors, Treasurers, Recorders, Sheriffs, and their Deputies, from practicing law in any of the Courts of this State, except, as in this act permitted, and prescribing punishment for the violation thereof.

Which was read a first time, and referred to the Committee on the Judiciary.

Mr. Bellamy introduced

Senate bill No. 97. An act making an appropriation of four hundred and thirteen thousand, and five hundred and ninety-nine dollars and forty-eight cents, to pay the claims of sufferers by the Morgan Raid.

Which was read the first time, and referred to the Committee on Expenditures.

Mr. Green introduced

Senate bill No. 98. A bill to provide for the assessment and collecting of taxes for municipal purposes, on the shares of bank stock owned in Banks or Banking Association doing business in this State.

Which was read a first time, and referred to the Committee on Corporations.

Mr. Hughes introduced

Senate bill No. 99. An act to establish an Agricultural College in connection with the State University.

Which was read a first time, and referred to the Committee on Education.

Mr. Hughes introduced

Senate bill 100. An act to amend the Sixth Section of an act for the relief of the Indiana University, and to increase, and extend its benefits, by providing for the sale of the lands granted by the United States for the use of the said University, regulating the application of the proceeds of the sales thereof, and prescribing the duties of the officers therein mentioned in relation thereto, approved March 2d, 1859.

Which was read a first time, and referred to the Committee on Education.

Mr. Hughes introduced

Senate bill 101. An act authorizing the Trustees of Indiana State University to establish a Medical College.

Which was read a first time, and referred to the Committee on Education.

Mr. Green introduced

Senate bill No. 102. Entitled a bill to amend the 5th division of section 324 of the 2d volume of the revised statutes of 1852 chapter 1 of an act to revise, simplify and abridge the rules, practice, pleadings, and forms in civil cases in the Courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity.

Which was read a first time, and referred to Committee on the Judiciary.

Mr. Case introduced

Senate bill No. 103. An act to amend section seven of an act entitled "An act regulating the granting of divorces, nullification of marriages, and decrees and orders of Court incident thereto.

Which was read a first time and referred to the Committee on the Judiciary.

Mr. Stein introduced

Senate bill No. 104. A bill for the appointment of Official Reporters for the courts in this State.

Which was read a first time, and referred to the Committee on Judiciary.

Mr. Case introduced

Senate bill No. 105. An act to repeal an act entitled "An act to amend an act entitled an act in relation to County Treasurers, approved ———— 4th, 1852, and declaring an emergency, approved March 6th, 1856.

Which was read a first time, and referred to the Committee on County and Township Business.

Mr. Laselle introduced

Senate bill No. 106, entitled A bill to amend Section 124 of an act entitled an act regulating descents and the apportionment of estates. Approved May 14, 1852.

Which was read a first time, and referred to the Committee on Rights and Privileges of the inhabitants of this State.

Mr. Caven introduced

Senate bill No. 107. An act to amend Sections two and three of an act entitled "An act for the incorporation of County Libraries." Approved June 18, 1852.

Which was read a first time and referred to the Committee on Education.

Mr. Bellamy introduced

Senate bill No. 108. An act to amend Section two of an act entitled "An act to provide for the registry of voters, and to declare their residence, and to punish fraudulent practices touching elections, and defining the duties of certain officers therein named, and the forms of the ballots, and providing compensation for the services of such officers." Approved March 11, 1867.

Which was read a first time, and referred to the Committee on Elections.

By unanimous consent of the Senate, the order of business was suspended, and Mr. Hughes offered the following resolution.

Resolved, That upon the consideration of all questions concerning the location or establishment of an agricultural college in this State, the members of the Committee on Agriculture shall constitute members of the Committee on Education, and that all bills and propositions affecting said subject, shall be referred to said Committee.

Which was adopted.

On motion by Mr. Bird, the Senate adjourned.

TUESDAY MORNING, 9 O'CLOCK. }
 January 26, 1869. }

The Senate met.

Mr. Cravens in the Chair.

The Journal of yesterday was read.

PETITIONS, MEMORIALS AND REMONSTRANCES.

Mr. Denbo presented .

A petition from sundry citizens of the State, asking for legislation increasing the fees of jurors, and regulating the running at large of stock.

Which was referred to the Committee on County and Township Business.

Mr. Stein presented

A petition from sundry citizens of the State, asking the General Assembly to take the proper steps necessary for the erection of a prison for women, and a girl's reformatory.

Which was referred to the Committee on Prisons.

Mr. Hughes presented

A petition from James Morris, Isaac Reed, George W. Deuson, and James C. Saunders, asking for an allowance for the value of their labor during illegal confinement in the Southern State Prison, in the sum of four thousand two hundred dollars.

Which was referred to the Committee on Claims.

REPORTS FROM STANDING COMMITTEES.

Mr. Caven, Chairman of the Committee on the Judiciary, made the following report :

MR. PRESIDENT :

The Judiciary Committee to whom was referred Senate bill No. 73, entitled "A bill to amend Section 352 of the Practice Act," re-

port that they have had the same under consideration, and respectfully recommend that said bill lie upon the table.

Which report was concurred in.

Mr. Caven, from the Committee on the Judiciary, made the following report :

MR. PRESIDENT :

The Judiciary Committee to whom was referred Senate bill No. 79, entitled "An act declaring who shall be the heirs of decedents estates, defining what debts shall be paid by the widow of a deceased husband, the amount such widow shall hold as against creditors, and repealing all laws in conflict with this act," report that they have had the same under consideration, and respectfully recommend that said bill lie on the table.

Which report was concurred in, and the bill therein contained laid on the table.

Mr. Rice, from the Committee on the Judiciary, made the following report :

MR. PRESIDENT :

The Committee to whom was referred Senate bill No. 88, entitled "An act to amend Section 319th of an act entitled an act to revise, simplify, and abridge the rules, practice, pleadings, and forms in the Courts of this States ; to abolish distinct forms of actions at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity," approved June 18th, 1852, report that they have had the same under consideration, and respectfully recommend that the said bill lie upon the table.

Which report was concurred in.

Mr. Caven, Chairman of the Committee on the Judiciary, made the following report :

MR. PRESIDENT :

The Committee on Judiciary, to whom was referred House bill No. 7, entitled "An act to authorize foreign guardians to take possession of, sue for, or receipt for any personal property or assets of

their wards in this State," report that they have had the same under consideration, and respectfully recommend the passage of said bill.

Which report was concurred in.

Mr. Caven, from the Judiciary Committee, submitted the following report :

MR. PRESIDENT :

The Judiciary Committee, to whom was referred Senate bill No. 22, entitled " A bill to regulate interest on judgements and decrees," report that they have had the same under consideration, and as the subject matter is precisely the same as embraced in House bill No. 14, respectfully recommend that said bill lie on the table.

Which report was concurred in, and the bill therein contained, was ordered to lie upon the table.

RESOLUTIONS.

Mr. Wolcott, offered the following resolution :

Resolved, By the Senate of the State of Indiana, that the pay of the Clerks of Committees, not fixed in the amount, by the act appropriating seventy-five thousand dollars to defray the expenses of the forty-sixth session of the General Assembly, be, and the same hereby is by virtue of the provisions of said act, established at the rate of five dollars per day.

Mr. Johnson, of Montgomery, moved to amend the resolution, by striking out five dollars per day, and inserting three.

Mr. Bellamy moved that the amendment be laid upon the table.

The ayes and noes were demanded by Messrs, Johnson, of Montgomery, and Bird.

Those who voted in the affirmative were,

Messrs. Bellamy, Case, Caven, Fisher, Fosdick, Gray, Green Hadley, Hess, Hooper, Houghton, Howk, Jacquess, Johnson, of Spencer, Rice, Reynolds, Scott, Stein and Wolcott—19.

Those who voted in the negative were,

Messrs. Andrews, Bird, Bradley, Carson, Church, Cravens, Denbo,

Elliott, Hanna, Henderson, Huffman, Humphreys, Johnson of Montgomery, Kinley, Lasselle, Lee, Robinson of Decatur and Wood—18.

So the amendment was laid upon the table.

On motion by Mr. Fisher, the words five dollars per day were stricken out and the words four dollars per day were inserted in their place.

The resolution as amended, was then adopted.

BILLS INTRODUCED.

Mr. Gray introduced

Senate bill No. 109. "An act to amend section seven of an act to provide compensation to the owners of animals killed or injured by the cars, locomotives, or other carriages of any Railroad Company in this State, and to enforce the collection of judgment rendered on the account of the same, and to repeal all laws inconsistent therewith," approved March 4th, 1863.

Which was read a first time, and referred to the Committee on Corporations.

Mr. Howk introduced

Senate bill No. 110. An act to create the Twenty-fourth Judicial Circuit, providing for the appointment and election of a Judge and Prosecuting Attorney therein, and for their compensation; declaring the jurisdiction of the courts in said circuit, and providing for a transfer of actions thereto.

Which was read a first time, and referred to Committee on the Organization of Courts.

Mr. Hadley introduced

Senate bill No. 111. An act to amend section 16 of an act entitled "An act providing for the election or appointment of of Supervisors of Highways, and prescribing certain of their duties, and those of county and township officers in relation thereto, approved March 5th, 1859.

Which was read a first time, and referred to the Committee on Roads.

Mr. Laselle introduced

Senate bill No. 112. A bill to revise and amend section one of an act entitled "An act to exempt property from sale in certain cases, approved February 17th, 1852.

Which was read a first time, and referred to the Committee on the Rights and Privileges of the Inhabitants of the State.

Mr. Kinley introduced

Senate bill No. 113. An act providing for the registration of the practicing physicians of this State.

Which was read a first time, and referred to a select committee, consisting of Messrs. Kinley, Gifford, Hess, Armstrong, Sherrod, and Humphreys.

Mr. Caven introduced

Senate bill No. 114. An act to amend section nineteen (19) of an act entitled "An act regulating the fees of officers, and repealing former acts in relation thereto, approved March 2d, 1855.

Which was read a first time, and referred to the Committee on the Judiciary.

Mr. Howk introduced

Senate bill No. 115. An act to amend the 49th section of an "Act entitled an act to provide for the opening, vacating, and change of highways," approved June 17, 1852, as amended by an act approved March 9, 1861.

Which was read a first time, and referred to the Committee on County and Township Business.

ORDERS OF THE DAY.

HOUSE BILLS ON SECOND READING.

House bill No. 10. An act relative to the settlement of decedents' estates.

Was read a second time, and passed to a third reading on tomorrow.

On motion by Mr. Bradley, it was ordered that Senate bill No. 5 be taken from the table and placed upon the files.

Mr. Wolcott moved that the Financial Committee be discharged from consideration of joint resolutions five and six, and that the same be referred to a special joint committee of five, to consist of three Senators and two Representatives, to be appointed by the President of the Senate.

Which was agreed to.

The President appointed Messrs. Wolcott, Fisher, and Johnson of Montgomery, said committee on the part of the Senate.

Mr. Wood moved that a special committee of three be appointed by the President of the Senate, to inquire what legislation, if any, may be necessary or expedient to prevent the importation of Texas cattle into the State of Indiana.

Which was agreed to.

The President appointed Messrs. Wood, Wolcott and Bellamy said committee.

By unanimous consent of the Senate the order of business was suspended, and, on motion by Mr. Bradley, Senate joint resolution No. 4, a joint resolution relative to the harbor at Michigan City, was taken up.

The question being, shall the joint resolution pass?

Those who voted in the affirmative were,

Messrs. Andrews, Bellamy, Bird, Bradley, Carson, Case, Caven, Church, Cravens, Denbo, Elliott, Fisher, Fosdick, Gifford, Gray, Green, Hadley, Hanna, Henderson, Hess, Hooper, Houghton, Howk, Huey, Huffinan, Hughes, Humphreys, Jaquess, Johnson of Spencer, Johnson of Montgomery, Kinley, Laselle, Lee, Rice, Reynolds, Robinson of Decatur, Scott, Sherrod, Smith, Stein, Wolcott and Wood—42.

No Senator voting in the negative.

So the Joint Resolution passed.

Ordered, That the Secretary inform the House thereof.

Mr. Carson moved to recommit Senate bill No. 66 to a select committee of five, with instructions to report the same back to the Senate, recommending that it be indefinitely postponed, and, in lieu thereof, that the committee inquire into the propriety of amending the original act so as to secure a ready compliance with its provisions, and enforce the same by declaring the office of any person violating its provisions in failing to report the fees, perquisites and emoluments as required by said act, vacant, and providing for the appointment of a person to fill such vacancy.

Which was agreed to.

The President appointed Messrs. Carson, Howk, Scott, Jaquess, and Fisker said committee.

On motion by Mr. Denbo, the Senate adjourned.

TUESDAY, 2 O'CLOCK, P. M.

Senate met.

Mr. Cravens in the chair.

PETITIONS, MEMORIALS AND REMONSTRANCES.

Mr. Andrews presented a petition from sundry citizens of the State asking for such legislation as will remove the evils growing out of railroad combinations, and fix a limit to the unjust discriminations practiced in local freight and passenger business.

Which was referred to the Committee on Corporations.

Mr. Scott asked and obtained leave of absence for Mr. Jaquess until Monday.

Leave of absence was granted to Mr. Johnson until Monday.

Leave of absence was granted Mr. Lee until Monday.

Mr. Kinley presented a communication from Chas. F. Coffin,

accepting an invitation to address the General Assembly on the subject of prison reform.

The President laid before the Senate the following communication :

INDIANAPOLIS, Jan. 26, 1869.

President of the Senate

General Assembly of the State of Indiana :

SIR:—The undersigned, Trustees of the Indiana Soldiers' and Seaman's Home, Knightstown, Indiana, would respectfully invite the members of the Senate to visit the Home on Saturday next, 30th instant.

A train will leave the Union Depot at 10 o'clock, A. M., and return at 8.50, P. M.

Conveyances will be in readiness at the Depot at Knightstown to carry members to and from the Home.

Very respectfully,

H. B. HILL,
WM. HANNAMAN.

On motion by Mr. Kinley,

The invitation contained in the foregoing communication was accepted by the Senate.

On motion by Mr. Gray,

Senate bill No. 72, an act to amend section 18 of an act to regulate descents and apportionment of estates, approved May 14, 1852,

Was taken from the table and re-committed to the Committee on the Judiciary.

RESOLUTIONS.

Mr. Rice offered the following resolution :

Resolved, That when the Senate adjourn that it adjourn to meet to-morrow at two o'clock, P. M.

Which was adopted.

Mr. Rice offered the following resolution :

Resolved, That the Committee on Corporations be allowed a clerk.

Which was adopted.

Mr. Wolcott moved to reconsider the vote by which the Senate Joint Resolutions, Nos. 5 and 6, were taken from the Committee on Finance and referred to a select committee of three on the part of the Senate and two on the part of the House.

Which was agreed to.

Mr. Wolcott offered the following concurrent resolution :

Be it resolved by the Senate of the State of Indiana, (the House of Representatives concurring,) That a joint committee, to consist of three Senators and five Representatives, be appointed to take into consideration joint resolutions five and six, as introduced and amended in the Senate on subjects of national finance, and that such committee report to the General Assembly such action as in the opinion of such committee the General Assembly should take on the subject so referred.

Which was adopted, and the President appointed Messrs. Wolcott, Fisher and Johnson of Montgomery, said committee.

Ordered, That the Secretary inform the House thereof.

REPORTS OF STANDING COMMITTEES.

Mr. Fisher, Chairman of the Committee on Printing, made the following report :

MR. PRESIDENT :

The Committee on Printing, to whom was referred a resolution, directing the printing of one thousand copies of the final report of Quartermaster General Stone, have had the resolution under consideration, and have instructed me to report, that the said report of Quartermaster General be printed in the Documentary Journal.

Which report was concurred in.

Mr. Fisher, from the Committee on Printing, made the following report :

MR. PRESIDENT :

The Committee on Printing, to whom was referred a resolution requiring the printing of five hundred copies of the Report of the Trustees of the Wabash and Erie Canal, have instructed me to

report the same back, and recommend that two hundred copies of said report be printed for the use of the Senate.

Which report was concurred in.

Mr. Johnson, of Spencer, from the Committee on the Rights and Privileges of the Inhabitants of this State, made the following report :

MR. PRESIDENT :

The Committee on the Rights and Privileges of the Inhabitants of this State, to whom was referred Senate bill No. 75, entitled "An act to protect the citizens of Indiana from empiricism, and to elevate the standard of the medical profession," have had the same under consideration, and have directed me to report it back, and recommend its passage.

Which report was concurred in.

Mr. Huffman, from the Committee on Rights and Privileges of the Inhabitants of the State, made the following report :

MR. PRESIDENT :

The Committee on the rights and Privileges of the State, to whom was referred Senate bill No. 86, "An act for the protection of growing fruit, defining punishment, and repealing all laws in conflict therewith," have had the same under consideration, and instruct me to report said bill back to the Senate, and recommend that it lie on the table.

Which report was concurred in.

BILLS INTRODUCED.

Mr. Carson introduced

Senate Bill No. 116. An act to prohibit any member of the Board of County Commissioners from acting in any other capacity, under and by virtue of any appointment from such Board, than as one of such Commissioners, and repealing so much of all laws and parts of laws, as conflict with any of the provisions of this act, and declaring an emergency.

Which was read a first time, and referred to the Committee on Corporations.

Mr. Jaquess introduced

Senate bill No. 117. An act to amend the 5th section of an act entitled an act approved March 6th, 1865, entitled an act to provide for a general system of common schools, the officers thereof, and their respective powers and duties, and matters properly connected therewith; and prescribing the fees for certain officers therein named; and for the establishment and regulation of township libraries; and to repeal all laws inconsistent therewith, providing penalties therein prescribed.

Which was read a first time, and referred to the Committee on Education.

Mr. Rice introduced

Senate bill No. 118. An act to amend the 16th section of an act entitled "an act to provide for contesting the election to any State, district, circuit, county, or township office," approved May 4th, 1852, to provide relief in cases of contests erroneously commenced by reason of the misprint of the said 16th section, and to provide for taking depositions in all contests for circuit and district offices.

Which was read a first time, and referred to the Committee on the Judiciary.

Mr. Howk introduced

Senate Bill No. 119. An act to fix for the times of holding the Courts of Common Pleas, in the various counties composing the Fourth Common Pleas Judicial District, providing for the return of process, repealing all acts in conflict with the provisions of this act, and declaring an emergency.

Which was read a first time, and referred to the Committee on Organization of Courts.

Mr. Kinley introduced

Senate bill No. 120. An act to provide for the government and discipline of the State Prisons, for the oversight of County Jails; and to repeal all other laws or parts of laws inconsistent herewith.

Was read a first time and referred to Committee on Prisons, and on motion by Mr. Kinley, two hundred copies were ordered to be printed for the use of the Senate.

ORDERS OF THE DAY.

SENATE BILLS ON SECOND READING.

Senate bill No. 24. "An act to amend section 78 of an act entitled an act to revise, simplify and abridge the rules, practice, pleadings and forms in criminal actions in the Courts of this State, approved June 17, 1852.

Was read a second time, ordered to be engrossed, and passed to a third reading on to-morrow.

Senate bill No. 25. An act concerning witnesses and the examination of witnesses in criminal actions.

Was read a second time, ordered to be engrossed, and passed to a third reading on to-morrow.

Senate bill No. 29. An act to amend the seventeenth section of an act entitled "an act providing for election and qualification of Justices of the Peace, and defining their jurisdiction, powers and duties in civil cases," approved June 9, 1852.

Was read a second time, ordered to be engrossed, and passed to a third reading on to-morrow.

Senate bill No. 45. An act relating to the salaries of the Judges of the Supreme, Circuit, Civil and Criminal Circuit, and Common Pleas Courts, and declaring an emergency.

Was read a second time, and, on motion by Mr. Kinley, re-committed to the Committee on the organization of Courts.

Senate bill No. 51. An act to amend section nine, and repealing part of section sixteen, of an act entitled concerning partition of lands, approved May 20, 1852.

Was read a second time, ordered to be engrossed, and passed to a third reading on to-morrow.

Senate bill No. 55. An act creating the 23d Judicial Circuit, and providing for the election of a Judge and Prosecuting Attorney and providing compensation therefor, declaring the jurisdiction of said Court, and providing for the transfer of actions thereto.

Was read a second time, ordered to be engrossed, and passed to a third reading to-morrow.

Senate bill No. 56. An act to amend sections 133 and 134 of an "act providing for the settlement of decedents' estates, prescribing the rights, liabilities and duties of officers connected with the management thereof and the heirs thereto, and certain forms to be used in such settlement," approved June 17, 1852.

Was read a second time, ordered to be engrossed, and passed to a third reading on to-morrow.

Senate bill No. 58. "An act to amend section 16 of an act regulating the fees of officers, and repealing all former acts in relation thereto, approved March 2, 1855."

Was read a second time.

Mr. Fisher moved to amend the bill by striking out two dollars and fifty cents per day for jurors fees, and inserting two dollars.

Mr. Wolcott moved to amend the amendment by making jurors fees one dollar and a half per day, instead of "two dollars."

The ayes and noes were demanded by Messrs. Church and Carson.

Those who voted in the negative were,

Messrs. Andrews, Bellamy, Bird, Bradley, Carson, Case, Caven, Church, Cravens, Denbo, Elliott, Fisher, Fosdick, Gifford, Gray, Green, Hadley, Hamilton, Henderson, Hess, Hooper, Houghton, Howk, Huey, Huffman, Hughes, Humphreys, Jaquess, Johnson of Spencer, Johnson of Montgomery, Kinley, Lasselle, Lee, Rice, Reynolds, Robinson of Decatur, Scott, Smith, Stein, Wolcott, and Wood—41.

No Senator voting in the affirmative.

So the amendment to the amendment was not agreed to.

The question recurring on the adoption of the amendment, it was agreed to.

Mr. Carson moved that the rules be suspended and the bill read a third time, now.

The ayes and noes were taken under the Constitution.

Those who voted in the affirmative were,

Messrs. Andrews, Bellamy, Bird, Bradley, Carson, Case, Caven, Church, Cravens, Denbo, Elliott, Fisher, Fosdick, Gifford, Gray, Green, Hadley, Hamilton, Henderson, Hess, Hooper, Houghton, Howk, Huey, Huffman, Hughes, Humphreys, Jaquess, Johnson of Spencer, Johnson of Montgomery, Kinley, Laselle, Lee, Rice, Reynolds, Robinson of Decatur, Scott, Smith, Stein, Wolcott, and Wood—42.

No Senator voting in the negative.

So the rules were suspended and the bill was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Andrews, Bellamy, Bird, Bradley, Carson, Case, Caven, Church, Cravens, Denbo, Elliott, Fisher, Fosdick, Gifford, Gray, Green, Hadley, Hamilton, Henderson, Hess, Hooper, Houghton, Howk, Huey, Huffman, Hughes, Humphreys, Jaquess, Johnson of Spencer, Johnson of Montgomery, Kinley, Laselle, Lee, Rice, Reynolds, Robinson of Decatur, Scott, Smith, Stein, Wolcott, and Wood—41.

No Senator voting in the negative.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

Senate bill No. 59. An act regulating change of venue, continuances, the subpoenaing and compelling attendance of witnesses, and the order of arguments in criminal cases, and providing for the repeal of all laws in conflict therewith.

Was read a second time, and recommitted to the Committee on the Judiciary.

Senate bill No. 64. An act authorizing Voluntary Associations formed under an act entitled "An act concerning the organization of voluntary associations, and repealing former laws in reference thereto, framed February 12th, 1855, to acquire titles to lands that heretofore have been used as burial places."

Was read a second time, ordered to be engrossed and passed to a third reading on to-morrow.

Senate bill No. 67. An act to amend section five of an act enti-

tled "An act to provide for the more uniform mode of doing township business, prescribing the duties of certain officers in connection therewith, and to repeal all laws conflicting with this act," approved Feb. 18, 1859, and declaring an emergency.

Was read a second time, ordered to be engrossed, and passed to a third reading on to-morrow.

Senate bill No. 68. An act to amend section one of an act entitled "An act to authorize the formation of companies for the detection of horse thieves and other feïons, and defining their powers," approved March 9, 1862,

Was read a second time, and, on motion by Mr. Hughes, indefinitely postponed.

Senate bill No. 69. An act to amend section 455 of an act entitled "An act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice without distinction between law and equity," approved June 18, 1852,

Was read a second time, and, on motion by Mr. Stein, recommended to the Committee on the Judiciary.

Mr. Caven moved to reconsider the vote by which Senate bill No. 28, an act to amend the 27th section of an act entitled "An act prescribing who may make a will, the effect thereof, what may be devised, regulating the revocation, admission to probate and contest thereof," approved May 31, 1852, was laid upon the table.

Which was agreed to, and the bill was recommitted to the Committee on the Judiciary.

On motion by Mr. Bellamy, the Senate adjourned.

WEDNESDAY AFTERNOON, 2 o'clock, }
January 27, 1869. }

The Senate met.

The journal of yesterday was read.

The President laid before the Senate the following communication :

INDIANAPOLIS, Jan. 26, 1869.

To the Honorable the President of the Senate :

SIR:—I have the honor, by the direction of the Board of Trustees of the State Normal School, and by the concurrent approval of the Committees on Education of the two Houses, to extend to His Honor, the President, and through him to the Senate, an invitation to visit the city of Terre Haute, on Thursday the 4th day February next, for the purpose of inspecting the Normal School Building, and examining the proceedings of the Board. A special train will be provided.

Respectfully submitted,

J. M. OLCOTT, Sect'y.

Which was referred to the Committee on Education.

By unanimous consent of the Senate, the order of business was suspended, and the following message from the House was taken up :

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate, that the House has passed the accompanying concurrent resolution, concerning the appointment of a Joint Committee, to invite the Hon. D. D. Pratt, to meet and address both Houses in the Hall of the House, at 4 o'clock, P. M., of this day, and the Speaker has appointed as a Committee on the part of the House,

Messrs. Pierce of Porter, Coffroth, and Buskirk.

WHEREAS, The Hon. D. D. Pratt, United States Senator elect, is at present in the city, and has signified his willingness to meet the Senate and House, at such time and place as they may designate; therefore,

Resolved, The Senate concurring, that Mr. Pratt be invited to meet and address the two Houses, at four o'clock, this Wednesday evening, and that a committee of three on the part of the House be appointed to wait upon Mr. Pratt, and inform him of this action; and that the Senate be, and are hereby requested to meet with the House at the time indicated, and that seats be prepared for the Senators, as usual, on the right of the Speaker.

The resolution contained in the foregoing message was concurred in, and the President appointed Messrs. Church and Lasselle, said committee, on the part of the Senate.

REPORTS OF STANDING COMMITTEES.

Mr. Case, from the Committee on County and Township Business, made the following report:

MR. PRESIDENT:

The Committee on County and Township Business, to whom was referred Senate bill No. 105, "An act to repeal an act, entitled an act to amend an act in relation to County Treasurers, approved June 4, 1862, and declaring an emergency," approved March 6th, 1865, having had the same under consideration, have instructed me to report the same back to the Senate and recommend its passage.

Which report was concurred in.

Mr. Gifford, from the Committee on County and Township Business, made the following report:

MR. PRESIDENT:

The Committee on County and Township Business, to whom was referred Senate bill No. 80, entitled an act to amend an act, entitled an act to provide for the appraisement of real estate, and prescribing the duties of officers in relation thereto, approved December 21, 1858, have had the same under consideration and directed me to return the bill to the Senate, and recommend that it lie on the table.

Which report was concurred in.

Mr. Denbo, from the Committee on County and Township Business, made the following report :

MR. PRESIDENT :

The Committee on County and Township Business, to whom was referred Senate bill No. 107, "An act to amend section two and three, of an act entitled an act for the Incorporation of County Libraries," approved June 18, 1852, have had the same under consideration, and I am instructed to report the same back, and recommend that it lie on the table.

Which report was concurred in.

Mr. Gifford, from the Committee on County and Township Business, made the following report :

MR. PRESIDENT :

The Committee on County and Township Business, to whom was referred Senate bill No 81, entitled an act to legalize the appraisement of the real estate of the State of Indiana, in the year 1864, (introduced by Mr. Denbo,) have had the same under consideration, and have instructed me to report the bill back, and recommend its passage.

Which was concurred in.

Mr. Denbo, from the Committee on County and Township Business, made the following report :

MR. PRESIDENT :

The Committee on County and Township Business, to whom was referred Senate bill No. 115, An act to amend the forty-ninth section of an act entitled an act to provide for the opening, vacating and change of highways, approved June 17, 1852, as amended by an act approved March 9, 1861, have had the same under consideration, and direct me to report it back, and recommend its passage.

Which report was concurred in.

Mr. Case, from the Committee on County and Township Business, made the following report:

MR. PRESIDENT:

The Committee on County and Township Business, to whom was referred Senate bill No. 116, "An act to prohibit any member of the Board of County Commissioners from acting in any other capacity under or by virtue of any appointment from such Board, than as one of such Commissioners, and repealing so much of such laws and parts of laws as conflict with any of the provisions of this act, and declaring an emergency, having had the same under consideration, have instructed me to report the same back to the Senate, and recommend its passage.

Which report was concurred in.

Mr. Case, from the Committee on County and Township Business, made the following report:

MR. PRESIDENT:

The Committee on County and Township Business, to whom was referred Senate bill No. 38, An act abolishing April elections, and declaring when township officers shall be elected, and the term of certain officers, having had the same under consideration, have instructed me to report the same back to the Senate, and recommend that it lie on the table.

Which report was concurred in.

Mr. Robinion, of Decatur, from the Committee on Roads, made the following report:

MR. PRESIDENT:

The Committee on Roads, to which was referred Senate bill No. 48, "An act providing for the protection of the banks of water courses, by securing the bushes growing along said banks from the ravages of stock," report that they have had the same under consideration, and have directed me to report the same back, and recommend its passage.

Which report was concurred in.

Mr. Robinson, of Decatur, from the Committee on Roads, submitted the following report :

MR. PRESIDENT :

The Committee on Roads, to which was referred Senate bill No. 82, a bill allowing an increased rate of tolls on turnpike, plank, and gravel roads, in certain cases ; and repealing conflicting laws, report that they have had the same under consideration, and have directed me to report the same back, and recommend that it lie on the table.

Which report was concurred in, and the bill therein contained was ordered to lie on the table.

Mr. Rice, from the Committee on Corporations, made the following report :

MR. PRESIDENT :

The Committee on Corporations, to whom was referred Senate bill No. 76, entitled " An act authorizing incorporated towns and civil townships to subscribe stock and make donations in aid of Railroad Companies," report that they have had the same under consideration, and direct me to report the same back to the Senate with the recommendation that it lie upon the table.

Which report was concurred in.

Mr. Stein, from the Committee on Rights and Privileges, made the following report :

MR. PRESIDENT :

The Committee on the Rights and Privileges of the Inhabitants of this State, to whom was referred Senate bill No. 15, an act to repeal an act to provide for the protection of fish, defining the time in which they may be trapped, netted, or seined ; affixing the penalty for the violation of this act, and declaring an emergency, have had the same under consideration, and recommend its passage.

Which report was concurred in.

RESOLUTIONS.

Mr. Bellamy offered the following resolution :

Resolved, That the Senate accept the invitation of the Board of Trustees of the State Normal School to visit that institution on Thursday, the 4th day of February, *proximo*.

The question being, shall the resolution be adopted, the ayes and noes were demanded by Messrs. Hughes and Denbo.

Those who voted in the affirmative were,

Messrs. Andrews, Bradley, Church, Elliott, Gifford, Hadley, Henderson, Hess, Hooper, Houghton, Huffinan, Morgan, Robinson of Decatur, and Scott—16.

Those who voted in the negative were,

Messrs. Bird, Carson, Case, Caven, Denbo, Fisher, Fosdick, Gray, Green, Hamilton, Hanna, Howk, Huey, Hughes, Humphreys, Johnson of Montgomery, Kinley, Lee, Rice, Reynolds, Robinson of Madison, Sherrod, Smith, Stein, Wolcott, and Wood—26.

So the resolution did not prevail.

Mr. Fisher offered the following resolution :

Resolved, That a special committee of three be appointed to ascertain the aggregate amount of salary, fees, and perquisites received by each of the State officer, to-wit: Auditor, Treasurer, and Secretary of State; and that said committee have power to send for persons and papers.

Which was adopted.

The President made the committee consist of Messrs. Fisher, Rice, and Huey.

Mr. Kinley offered the following resolution :

Resolved, That a special committee of three be appointed to draft and report a bill providing for the printing of the public documents and laws by the lowest responsible bidder.

Which was adopted, and the President appointed Messrs. Kinley, Robinson of Madison, and Turner, said Committee.

Mr. Fosdick offered the following resolution :

Resolved, That the Committee on Printing be instructed to inquire into the propriety of abolishing the office of State Printer

and letting the printing by contract to the lowest responsible bidder, with instructions to report by bill or otherwise.

Which was adopted.

Mr. Morgan offered the following resolution :

WHEREAS, an invitation has been extended to the Legislature of the State to visit the building of the State Normal School at Terre Haute ; therefore,

Resolved, That a committee of five from the Senate be appointed to visit said Normal School Building at Terre Haute, and report on the same to this Legislature.

On motion by Mr. Hughes, the resolution was so amended as to substitute the Committee on Education for the select committee, with the addition of Messrs. Morgan and Sherrod.

The resolution as amended was then adopted.

BILLS INTRODUCED.

Mr. Denbo introduced

Senate bill No. 121. An act to amend section 172 of an act entitled an act to provide for the valuation and assessment of real and personal property, and the collection of taxes in the State of Indiana ; for the election of Township Assessors, and prescribing the duties of Assessors, Appraisers of real property, County Treasurers and Auditors, and of the Treasurer and Auditor of State, approved June 21, 1852.

Which was read a first time, and referred to the Committee on County and Township Business.

Mr. Fosdick introduced

Senate Bill No. 122. An act supplemental to an act to authorize cities and towns to negotiate and sell bonds to procure means with which to erect and complete unfinished school buildings, and pay debts contracted for the erection of such buildings, and authorizing the levy and collection of an additional school tax, for the payment of principal and interest of such bonds ; approved March 11, 1867.

Which was read a first time, and referred to the Committee on Education.

Mr. Beardsley introduced

Senate bill No. 123. A bill to amend the 17th section of the act entitled an act providing for the organization of county boards, &c., approved June 17, 1852.

Which was read a first time, and referred to the Committee on County and Township Business.

Mr. Elliott introduced

Senate bill No. 124. An act to amend section one of an act entitled "An act to repeal all general laws now in force for the incorporation of cities and to provide for the incorporation of cities, prescribing their powers and rights, and the manner in which they shall exercise the same, and to regulate such other matters as properly pertain thereto," approved March 14, 1867.

Which was read a first time, and referred to the Committee on Corporations.

Mr. Andrews introduced

Senate bill No. 125. A bill to amend the first section of the act entitled an act authorizing the assessment of all lands within one and one half miles on either side, or within one and one half miles of any plank, macadamized, or graveled roads, organized under and pursuant to an act of the General Assembly of the State of Indiana, entitled an act authorizing the construction of plank, macadamized, and gravel roads, approved May 12, 1852. When the subscription to such road amounts at least to eight hundred dollars per mile, and is not sufficient for the construction of the same and the collection of said assessments: *Provided*, the lands are situate in the county in which said road is located, approved March 11, 1867.

Which was read a first time, and referred to the Committee on Corporations.

Mr. Fosdick introduced

Senate bill No. 126. An act to repeal an "Act to amend section 35 of an act to provide for a general system of common schools, the officers thereof and their respective duties and powers, and matters properly connected therewith, and prescribing the fees for certain officers therein named, and for the establishment and regulation of Township Libraries, and to repeal all laws inconsistent

therewith, providing penalties therein prescribed, approved March 6, 1865, approved December 20, 1865.

Which was read a first time, and referred to the Committee on Education.

Mr. Stein introduced

Senate bill No. 127. An act to provide for the release of levies upon personal property taken upon execution.

Which was read a first time, and referred to the Committee on Organization of Courts.

Mr. Gray introduced

Senate bill No. 128. An act to exempt certain persons therein named from performing labor on the public highways.

Which was read a first time, and referred to the Committee on Roads.

Mr. Henderson introduced

Senate bill No. 129. An act to repeal all general laws now in force for the incorporation of cities, and to provide for the incorporation of cities, prescribe their powers and rights, and the manner in which they shall exercise the same, and to regulate such other matters as properly pertain thereto, approved March 9, 1857.

Which was read a first time, and referred to the Committee on Corporations.

Mr. Laselle introduced

Senate bill No. 130. An act to revise and amend section six of the plank, macadamized and gravel road law of 1852.

Which was read a first time and referred to the Committee on Corporations.

Mr. Wolcott introduced

Senate bill No. 131. An act to legalize and declare valid and effectual, all the orders, judgments and proceedings made, rendered and had by and before the Court of Common Pleas of White County in this State, beginning and held at the Court House, in the town of Monticello, in said county, on the 23d day of March,

1868, and continuing, from day to day for two weeks thereafter declaring an emergency.

Which was read a first time, and referred to the Committee on the Judiciary.

Mr. Wolcott introduced

Senate bill No. 132. An act to protect and elevate the medical profession, to promote the improvement of medical science and practice, and to protect the health and lives of the people of Indiana.

Which was read a first time, and referred to a select Committee, consisting of Mr. Wolcott and certain members of the medical profession.

On motion by Mr. Green, it was ordered that Senate bill No. 20 be taken from the table and referred to the Committee on the Organization of Courts.

ORDERS OF THE DAY.

MESSAGES FROM THE HOUSE.

The following messages from the House were taken up:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed the accompanying concurrent Resolution of the Senate, concerning the appointment of a Joint Committee on the subject of National Finance, and that the Speaker has appointed on the part of the House, Messrs. Kercheval, Buskirk, Coffroth, Osborne and Dittmore.

Also, that the House has passed Senate concurrent Resolution providing for a Joint Committee to take into consideration the expediency of erecting a Gubernatorial mansion, and that the Speaker has named on the part of the House, Messrs. Ratliff, Williams of Union, Welborn and McBride.

The President appointed Messrs. Cravens, Reynolds and Morgan, as the Committee on a Gubernatorial mansion on the part of the Senate.

SENATE BILLS ON SECOND READING.

Senate bill No. 17. An act to regulate the sale of Patent Rights, and prevent frauds in connection therewith.

Was read a second time, ordered to be engrossed, and passed to a third reading on to-morrow.

Senate bill No. 75. An act to protect the citizens of Indiana from empiricism, and elevate the standing of the medical profession

Was read a second time, ordered to be engrossed, and passed to a third reading on to-morrow.

Senate bill No. 24. An act to amend section No. seventy-eight of an act entitled an act to revise, simplify and abridge the rules, practice, pleadings and forms in criminal actions in the courts of this State, approved June 17, 1852.

Was read a second time.

Mr. Johnson moved to re-commit the bill to a select Committee, with instructions to so amend the bill that the jurors should be allowed a fair compensation per day for their services.

Which was agreed to, and the President appointed Messrs. Johnson of Montgomery, Caven and Elliott said Committee.

SENATE BILLS ON THIRD READING.

Senate bill No. 25. An act concerning witnesses and the examination of witnesses in criminal actions.

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Andrews, Bellamy, Bradley, Carson, Case, Caven, Cravens, Elliott, Green, Hadley, Hamilton, Houghton, Howk, Hughes, Humphreys, Rice, Reynolds, Robinson of Madison, Robinson of Decatur, Scott, Stein, Wolcott and Wood.—23.

Those who voted in the negative were,

Messrs. Beardsley, Bird, Denbo, Fosdick, Gifford, Gray, Hanna, Henderson, Hess, Hooper, Huey, Huffman, Johnson of Montgomery, Kinley, Lee, Morgan, Sherrod and Smith.—18.

So the bill failed to pass for the want of a constitutional majority.

Senate Bill No. 29. An act to amend the seventeenth section of an act entitled "An act providing for the election and qualification of Justices of the Peace, and defining their jurisdiction, powers and duties in civil cases," approved June 8th, 1852.

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were

Messrs. Rice, Robinson of Decatur, Scott and Stein—4.

Those who voted in the negative were,

Messrs. Andrews, Beardsley, Bellamy, Bird, Bradley, Carson, Case, Caven, Cravens, Denbo, Fisher, Fosdick, Gifford, Gray, Green, Hadley, Hamilton, Hanna, Henderson, Hess, Hooper, Houghton, Howk, Huey, Huffman, Hughes, Humphreys, Johnson of Montgomery, Kinley, Lee, Morgan, Reynolds, Robinson of Madison, Smith, Walcott and Wood—36.

So the bill failed to pass.

Mr. Hughes moved to reconsider the vote on Senate bill No. 29 Which was agreed to.

A message from the House by Mr. Merwin, the Clerk thereof.

MR. PRESIDENT:

I am directed by the Speaker of the House of Representatives, to inform the Senate, that the Speaker has signed enrolled act No. 8 of the House, entitled "An act authorizing appraisers of real estate to appoint their deputies, and authorizing appraisers to remove deputies, and fixing the compensation of such appraisers and their deputies, and to legalize appointments of deputies heretofore made by Appraisers and Boards of County County Commissioners, and repealing all laws, or parts of laws in contravention of the provisions of this act," and the same is herewith transmitted for the signature of the President of the Senate.

Mr. Green offered the following resolution:

Resolved, That when the Senate adjourns, it adjourn until tomorrow at 2 o'clock, P. M.

Which was agreed to.

The hour designated by the House concurrent resolution having arrived, the Senate repaired to the Hall of the House of Representatives for the purpose of listening to an address by Hon. D. D. Pratt, Senator elect from the State of Indiana.

Lieut. Governor Will Cumback took the Chair, announced the purpose of the joint convention, and introduced Mr. Pratt to the General Assembly.

Mr. Pratt delivered an eloquent address, after which the Lieut. Governor declared the joint convention adjourned, *sine die*.

The Senate returned to its Chamber.

On motion by Mr. Sherrod, the Senate adjourned.

THURSDAY AFTERNOON, 2 o'clock, }
January 28, 1869. }

The Senate met.

On motion of Mr. Gifford, the reading of yesterday's Journal was dispensed with.

Senate bill No. 55. An act creating the Twenty-third Judicial Circuit, and providing for the election of a Judge and Prosecuting Attorney, and providing compensation therefor, declaring the jurisdiction of said Court, and providing for the transfer of actions thereto, having been read a third time on yesterday, and which was pending at adjournment, was, on motion of Mr. Scott, made the special order for next Tuesday at 2 o'clock, P. M.

On motion by Mr. Cravens.

Senate bill No. 73, "A bill to amend section 352 of the Practice Act" was taken from the table, and placed upon the file.

PETITIONS, MEMORIALS AND REMONSTRANCES.

Mr. Hanna presented

A petition from sundry citizens of the State asking for certain amendments to the laws regulating the location of county seats.

Which was referred to the Committee on County and Township Business.

By unanimous consent of the Senate, the order of business was suspended, and Mr. Hanna introduced

Senate bill No. 133. An act amendatory of the acts touching the removal and re-location of county seats.

Which was read a first time, and referred to the Committee on County and Township Business.

Mr. Beardsley presented

A petition from sundry citizens of the State of Indian, asking the enactment of a law restraining sheep and hogs from running at large in the public highways of this State.

Which was referred to the Committee on County and Township Business.

REPORTS OF STANDING COMMITTEES.

Mr. Green, from the Committee on Corporations, submitted the following report :

MR. PRESIDENT :

The Committee on Corporations, to whom was referred Senate bill No. 98, entitled A bill to provide for the assessment and collection of taxes for municipal purposes, on the shares of stock owned in banks or banking associations doing business in this State, have had the same under consideration, and do now report the same back to the Senate, and recommend the passage of the bill.

Which report was concurred in.

Mr. Carson, from the Committee on Corporations, made the following report :

MR. PRESIDENT :

The Committee on Corporations, to whom was referred Senate bill No. 74, entitled " An act to enable cities incorporated under the general laws of the State, to aid in the construction of railroads and other roads running into, through, or adjacent to said cities," have had the same under consideration, and now report it back to the Senate, with the recommendation that it lie on the table, as its provisions are embraced in another bill on the same subject, which your Committee has acted upon, and will report such bill back to the Senate, with recommendations that the same do pass.

Which report was concurred in.

Mr. Gray, from the Committee on Corporations, made the following report :

MR. PRESIDENT :

The Committee on Corporations, to whom was referred Senate bill No. 85, entitled an act to amend the 60th section of an act to repeal all general laws in force for the incorporation of cities, and to provide for the incorporation of cities, prescribing their powers and rights and the manner in which they shall exercise the same, and to regulate such other matters as properly pertain thereto, approved March 14, 1867, have had the same under consideration, and have directed me to report the same back, with the following amendments, and when so amended recommend the passage of the bill :

Amend section 60, by inserting after the word "shall," on the second line, the word "only." And after the word "city," on the third line of the second page of said section, insert these words, "or within one mile of the corporate limits of."

Which report was concurred in.

Mr. Case, from the Committee on County and Township Business, made the following report :

MR. PRESIDENT :

The Committee on County and Township Business, to whom was referred Senate bill No. 123, a bill to amend the 17th section of an act providing for the organization of county boards, and prescribing some of their powers and duties, approved June 17, 1852, have had the same under consideration, and have instructed me to report the same back to the Senate, and recommend the following amendment, to-wit :

To amend said section 17, by adding thereto, after the word "negotiated," the following words, viz., "not exceeding the rate of ten per centum per annum; *provided*, that no second or subsequent loan shall be made or authorized by said Commissioners as above provided, so long as any former loan made under the provisions of this act shall remain unpaid;" and when so amended to recommend its passage.

Which report was concurred in.

Mr. Hooper, from the Committee on Corporations, submitted the following report :

MR. PRESIDENT :

The Committee on Corporations, to whom was referred Senate bill No. 77, an act to amend the 53d section of an act entitled an act entitled an act for the incorporation of towns, providing for the election of officers thereof, and declaring their duties, passed January 11, 1862, have had the same under consideration, and have directed me to recommend its passage.

Which report was concurred in.

Mr. Carson, from the Committee on Corporations, made the following report :

MR. PRESIDENT :

The Committee on Corporations, to whom was referred Senate bill No. 30, entitled an act to authorize the formation of companies for the construction of water works in and for incorporated cities, to enable such cities to subscribe stock in such companies, and to issue and sell bonds for the payment thereof, approved March 6, 1865, have had the same under consideration, and now report it back to the Senate, and recommend that it lie on the table.

Which report was concurred in.

Mr. Rice, from the Committee on Corporations, submitted the following report :

MR. PRESIDENT :

The Committee on Corporations, to whom was referred Senate bill No. 5, entitled an act to amend the first section of an act entitled "an act to declare abandoned certain unfinished railroads," approved March 11, 1867, have had the same under consideration, and report the same back to the Senate, and recommend its passage.

Which report was concurred in.

Mr. Sherrod from the Committee on Corporations made the following report :

MR. PRESIDENT :

The Committee on Corporations to whom was referred Senate

bill No. 47, entitled An act to enable cities to aid in the construction railroads, have had the same under consideration, and now report it back to the Senate, and recommend the passage of the bill.

Which report was concurred in.

RESOLUTIONS.

Mr. Houghton offered the following resolution :

Resolved, That the Committee on Expenditures inquire into the expediency of paying the Secretary, Treasurer and Auditor of State, fixed salaries, and that all fees and perquisites now paid these officers, be paid into the public Treasury to lighten the burden of taxation, and if in their opinion, the public good requires it, to report a bill in compliance therewith.

Which was adopted.

Mr. Stein offered the following resolution :

Resolved, That five hundred copies of the Adjutant General's Report for 1867-8, referred to in the Governor's message, be printed for the use of the Senate and House.

Which was adopted.

Mr. Cravens offered the following resolution :

Resolved, That when the Senate adjourns, it adjourn to meet at 10 o'clock to-morrow morning.

Which was adopted.

Mr. Hughes offered the following concurrent resolution :

Resolved by the General Assembly of the State of Indiana, That our Senators in Congress be and they are hereby instructed, and our Representatives requested to vote for and otherwise promote the repeal of the act of Congress, commonly known as the civil "Tenure-of-office law."

Which was adopted.

Mr. Kinley moved that Mr. Hooper be added to the Select Committee appointed to investigate the accounts of the State Printer.

Mr. Hooper moved to amend by substituting the name of Mr. Church.

Mr. Sherrod moved to amend the amendment by adding the name of Mr. Hanna.

Which was agreed to.

The amended amendment was then adopted.

The question recurring upon the motion as amended, it was agreed to.

On motion by Mr. Stein,

Senate bill No. 50, "An act providing for the collection of forfeited recognizances, was taken from the table, and with accompanying petition, referred to the Committee on the Organization of Courts.

BILLS INTRODUCED.

Mr. Bradly introduced

Senate bill No. 134, An act to authorize and encourage the construction of levees, dikes and drains and the reclamation of wet and overflowed lands, by incorporated associations, and to repeal all former acts relating to the same subject.

Which was read a first time, and referred to the Committee on Corporations.

Mr. Howk introduced

Senate bill No. 135. An act to amend the section of an act entitled an act providing for the redemption of real property, or any interest therein, sold on execution or order of sale, and providing for the issuing of certificates of purchase in such cases, and for the execution of conveyances, and repealing all laws in conflict therewith," approved June 4th, 1861, and providing a speedy remedy for the recovery of such property in case of its non-redemption.

Which was read a first time, and referred to the Committee on the Judiciary.

Mr. Denbo introduced

Senate bill No. 136. An act to authorize the reference of trials to Master Commissioners, and defining their duties relating thereto, and the power of Courts referring the same.

Which was read a first time, and referred to the Committee on the Judiciary.

Mr. Robinson of Decatur, introduced

Senate bill No. 137. An act requiring plank, macadamised or gravel road companies to secure three-fifths of the stock necessary to construct the same, before making assessments therefor, and providing how assessments shall be made, regulating tolls thereon, and declaring an emergency.

Which was read a first time, and referred to the Committee on Corporations.

Mr. Huey introduced

Senate bill No. 138. An act to amend the second section of an act entitled "An act to amend the fourteenth and eighteenth sections of an act entitled 'An act to fix the times of holding the Common Pleas Courts in the several counties of this State, the duration of the terms thereof, and making all process from the present Common Pleas Courts returnable to such terms, and declaring when this act shall take effect, and repealing all laws inconsistent therewith,'" approved March 5, 1859, approved May 11, 1861.

Which was read a first time.

Mr. Huey moved to suspend the rules, consider the bill as engrossed, and that it be read a second and third times now.

The ayes and noes were taken under the Constitution.

Those who voted in the affirmative were,

Messrs. Andrews, Beardsley, Bellamy, Bird, Bradley, Carson, Case, Caven, Church, Cravens, Denbo, Elliott, Fisher, Fosdick, Gifford, Gray, Green, Hadley, Hamilton, Hanna, Henderson, Hess, Hooper, Houghton, Howk, Huey, Huffman, Hughes, Humphreys, Johnson of Montgomery, Kinley, Laselle, Morgan, Rice, Robinson of Madison, Robinson of Decatur, Scott, Sherrod, Smith, Stein, Wolcott, and Wood—42.

No Senator voted in the negative.

So the rules were suspended and the bill was read a second and third times.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Andrews, Beardsley, Bellamy, Bird, Bradley, Carson, Caven, Church, Cravens, Denbo, Elliott, Fisher, Fosdick, Gifford, Gray, Green, Hadley, Hamilton, Hanna, Henderson, Hess, Hooper, Houghton, Howk, Huey, Huffman, Hughes, Humphreys, Johnson of Montgomery, Kinley, Laselle, Morgan, Rice, Robinson of Madison, Robinson of Decatur, Scott, Sherrod, Smith, Stein, Wolcott, and Wood—41.

No Senator voted in the negative.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

Mr. Kinley introduced

Senate bill No. 139. An act to repeal an act entitled "An act to provide for the registry of voters, and to declare their residence, and to punish fraudulent practices touching elections, and defining the duties of certain officers therein named, and the form of the ballots, providing compensation for the services of such officers," approved March 11, 1867,

Was read a first time, and referred to the Committee on the Rights and Privileges of the Inhabitants of this State.

Mr. Hadley introduced

Senate bill No. 140. An act to amend section 15 of an act entitled "An act to amend section 15 of an act entitled an act to provide for the opening, vacating and change of highways," approved March 9, 1867.

Which was read a first time, and referred to the Committee on Roads.

Mr. Gray introduced

Senate bill No. 141. An act to repeal an act entitled "An act to allow County Commissioners to organize turnpike companies

where three-fifths of the persons representing the real estate within prescribed limits petition for the same; and to levy a tax for its construction, and provide for the same to be free," approved March 6, 1865.

Which was read a first time, and referred to the Committee on Corporations.

Mr. Laselle introduced

Senate bill No 142. An act to revise and amend section five of the County Surveyor act.

Which was read a first time, and referred to the Committee on County and Township Business.

Mr. Bradley introduced

Senate bill No. 143. An act to provide for the continuance of actions pending in the courts of this State in certain cases.

Which was read a first time, and referred to the Committee on the Judiciary.

On motion by Mr. Bradley.

Senate bill No. 54, "An act to authorize and empower cities to establish public parks and acquire title to land for that purpose,"

Was taken from the table and ordered to be placed upon the files.

ORDERS OF THE DAY.

SENATE BILLS ON SECOND READING.

Senate bill No. 15. An act to repeal an act entitled "An act to provide for the protection of fish, defining the time in which they may be trapped, netted or seined, affixing the penalty for the violation of this act and declaring an emergency."

Was read a second time, and, on motion by Mr. Cravens, laid upon the table.

Mr. Bellamy moved to reconsider the vote by which Senate bill No. 15 was laid upon the table.

Which was not agreed to.

Senate bill No. 48. An act providing for the protection of the banks of water courses by securing the bushes growing along said banks from the ravages of stock.

Was read a second time, ordered to be engrossed, and passed to a third reading on to-morrow.

Senate bill No. 81. An act to legalize the appraisement of the real estate of the State of Indiana, made in the year 1864, and declaring an emergency.

Was read a second time, ordered to be engrossed, and passed to a third reading on to-morrow.

Senate bill No. 105. An act to repeal an act entitled "An act to amend an act in relation to County Treasurers, approved June 4, 1852, and declaring an emergency," approved March 6, 1865.

Was read a second time, ordered to be engrossed, and passed to a third reading on to-morrow.

Senate bill No. 115. An act to amend the 49th section of an act entitled "An act to provide for the opening, vacating and change of highways," approved June 17, 1852, as amended by an act approved March 9, 1861.

Was read a second time, ordered to be engrossed, and passed to a third reading on to-morrow.

Senate bill No. 116. An act to prohibit any member of the Board of County Commissioners from acting in any other capacity under or by virtue of any appointment from such Board, than as one of such Commissioners, and repealing so much of all laws and parts of laws as conflict with any of the provisions of this act, and declaring an emergency.

Was read a second time, ordered to be engrossed, and passed to a third reading on to-morrow.

Senate bill No. 73. A bill to amend section 352 of the Practice Act.

Was read a second time, ordered to be engrossed, and passed to a third reading on to-morrow.

SENATE BILLS ON THIRD READING.

Senate bill No. 17. An act to regulate the sale of patent rights, and to prevent frauds in connection therewith.

Was read a third time.

The question being, Shall the bill pass.

Those who voted in the affirmative were,

Messrs. Andrews, Beardsley, Bellamy, Bird, Bradley, Carson, Caven, Church, Cravens, Denbo, Elliott, Fisher, Fosdick, Gifford, Gray, Green, Hamilton, Hanna, Henderson, Hooper, Houghton, Hawk, Huey, Huffman, Humphreys, Johnson of Montgomery, Kinley, Laselle, Morgan, Rice, Robinson of Madison, Smith, and Wood—43.

Those who voted in the negative were,

Messrs. Hughes, Robinson of Decatur, Scott, Sherrod, Stein, and Wolcott—6.

So the bill passed.

Ordered, The Secretary inform the House thereof.

Senate bill No. 51. An act to amend section nine, and repealing part of an act entitled "An act concerning partition of lands, approved May 20th, 1852.

Was read a third time.

Mr. Hanna moved to recommit the bill to the Committee on the Judiciary, with instructions to insert a provision to the effect that the court spread of record the evidence upon which a sale is ordered without having a report from the commissioners, in all cases where there is no defence, or when minors are defendants.

Mr. Bradley offered the following as a substitute :

"Recommit, with instructions to strike so much of the bill as repeals the 16th section of the partition law."

Mr. Scott offered the following amendment to the substitute.

"Such order shall not be made upon the testimony of one witness."

Which was not agreed to.

The substitute was **not** adopted.

The motion to recommit with instructions did not prevail.

The question being, Shall the bill pass?

Mr. Cravens moved that it be recommitted to the Committee on the Judiciary, with instructions to so amend the bill as to except from the operation of this act all cases wherein infants, minors, or *femme coverts* are parties.

Mr. Scott moved to amend instructions by adding the words "or non-residents."

Which was not agreed to.

The motion to recommit did not prevail.

The question being, Shall the bill pass?

Those who voted in the affirmative were,

Messrs. Bellamy, Bradley, Carson, Case, Caven, Denbo, Elliott, Gifford, Gray, Green, Hadley, Hamilton, Henderson, Hess, Houghton, Howk, Huffman, Humphreys, Laselle, Rice, Robinson of Madison, Robinson of Decatur, and Smith—23.

Those who voted in the negative were,

Messrs. Andrews, Beardsley, Bird, Cravens, Fisher, Fosdick, Hanna, Hooper, Huey, Hughes, Johnson of Montgomery, Kinley, Morgan, Scott, Stein, Wolcott, and Wood—17.

So the bill failed for want of a constitutional majority.

Senate bill No. 56. An act to amend sections 133 and 134 of an act providing for the settlement of decedents' estates, prescribing the rights, liabilities, and duties of officers connected with the management thereof, and the heirs thereto, and certain forms to be used in such settlements, approved June 17th, 1852.

Was read a third time.

The question being, Shall the bill pass?

Those who voted in the affirmative were,

Messrs. Andrews, Beardsley, Bellamy, Bradley, Carson, Case, Caven, Church, Cravens, Elliott, Fisher, Fosdick, Gifford, Gray, Green, Hadley, Hamilton, Henderson, Hess, Hooper, Houghton, Howk, Huey, Huffman, Hughes, Humphreys, Johnson of Montgomery, Kinley, Laselle, Morgan, Robinson of Madison, Robinson of Decatur, Scott, Smith, Stein, Wolcott and Wood—34.

Those who voted in the negative were,

Messrs. Beard and Denbo—2.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

Senate bill No. 64. An act authorizing voluntary associations formed under an act entitled "An act concerning the organization of voluntary associations, and repealing former laws in reference thereto," passed February 12, 1855, to acquire title to lands that have heretofore been used as burial places.

Was read a third time.

Mr. Scott moved an order to re-commit the bill to the Committee on the Judiciary, with instructions to so amend it that its provisions shall not include or affect private burial grounds.

Which was agreed to.

Senate bill No. 67. An act to amend section five of an act entitled "An act to provide for a more uniform mode of doing township business, prescribing the duties of certain officers in connection therewith, and to repeal all laws conflicting with this act," approved February 18, 1859, and declaring an emergency.

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Andrews, Bellamy, Bradley, Case, Church, Cravens, Denbo, Elliott, Fisher, Gifford, Gray, Green, Hadley, Hamilton, Henderson, Hess, Howk, Huey, Huffman, Humphreys, Kinley, Laselle, Scott, Smith, Stien and Wolcott—26.

Those who voted in the negative were,

Messrs. Beardsley, Bird, Carson, Caven, Fosdick, Houghton, Hughes, Johnson of Montgomery, Morgan, Rice, Robinson of Madison, Robinson of Decatur and Wood—13.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

The following message from His Excellency, Governor Baker, was taken up and referred to the Joint Committee on Education and Agriculture.

EXECUTIVE DEPARTMENT, }
INDIANAPOLIS, January 27, 1869. }

Gentlemen of the Senate and

House of Representatives :

I herewith respectfully transmit to the General Assembly the following documents in relation to the location of the Agricultural and Mechanical College at the Tippecanoe Battle Ground, in Tippecanoe county, viz:

First. A communication from Hon. John L. Miller, and other citizens of Tippecanoe county, addressed to myself, communicating the propositions hereinafter mentioned, and requesting that said communication and accompanying papers may be laid before the General Assembly.

Second. A written proposition of the "Trustees of the Tippecanoe Battle Ground Institute of the Methodist Episcopal Church," located at the Battle Ground, in Tippecanoe county, proposing to convey and donate to the State, for the use of the Agricultural College provided for by the Act of Congress of July, 1862, the buildings and grounds of said Institute, said to be worth \$40,000, upon condition that said College is permanently located by the General Assembly at said Battle Ground.

Third. The written proposition of the Trustees of the Battle Ground Institute, located at the same place, proposing to convey and donate to the State, for the use, of the Agricultural College, the buildings and grounds of said last named institute, said to be worth about \$60,000, on condition, that the Agricultural College shall be permanently located at said Battle Ground.

Fourth. A certified copy of an order of the Board of Commissioners of Tippecanoe county, proposing to donate to the State the sum of \$50,000, out of the treasury of said county, for the purpose of securing the location of the Agricultural College in Tippecanoe county; the said sum of \$50,000 to be paid in five equal annual instalments of \$10,000 each, without interest, the first instalment to be paid at the expiration of one year from the date of the location of said college.

I respectfully commend this liberal offer on the part of Tippecanoe county and its citizens to the careful consideration of the General Assembly.

CONRAD BAKER.

Leave of absence was granted Mr. Armstrong.

Leave of absence was granted the Doorkeeper until Monday.

On motion by Mr. Hanna,

Mr. Henderson was added to the committee appointed to visit the State Normal School.

On motion by Mr. Hanna,

Mr. Johnson, of Montgomery, was added to the Committee on County and Township Business.

Messages from the House, by Mr. Merwin, Clerk thereof.

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed Senate joint resolution No. 4. A joint resolution relative to the harbor at Michigan City, and the same is herewith returned to the Senate.

MR. PRESIDENT:

I am directed by the Speaker of the House to inform the Senate that the Speaker has signed enrolled act of the House No. 1, entitled "An act to fix the times of holding the courts in the Twentieth Judicial District, and the same is herewith transmitted for the signature of the President of the Senate.

On motion by Mr. Stein, the Senate adjourned.

FRIDAY, January 29th, 1869, }
 10 O'CLOCK, A. M. }

The Senate met.

On motion by Mr. Gifford, the reading of the journal was dispensed with.

PETITIONS, MEMORIALS AND REMONSTRANCES.

Mr. Caven presented

The petition of sundry citizens of the city of Indianapolis, asking an amendment to the laws on the subject of tolls on turnpike roads and bridges.

Which was referred to the Committee on Roads.

Mr. Wood presented

A petition from sundry citizens of the State of Indiana, asking for legislation to remove the evil growing out of railroad combinations, and to fix a limit to the unjust discrimination practiced in local freight and passenger business.

Which was referred to the Committee on Corporations.

REPORTS OF STANDING COMMITTEES.

Mr. Caven, Chairman of the Committee on the Judiciary, made the following report :

MR. PRESIDENT :

The Judiciary Committee, to whom was referred Senate bill No. 92, introduced by Senator Gray, entitled An act to amend Section 18 of an act regulating descents and the apportionment of estates, report that they have had the same under consideration, and as Senate bills No. 39, No. 78 and No. 106, embracing the same subject are in the hands of the Committee on Rights and Privileges of the Inhabitants of the State, respectfully recommend that said bill be referred to the Committee on Rights and Privileges of the Inhabitants of the State.

Which report was concurred in.

Mr. Caven, Chairman of the Committee on the Judiciary, made the following report :

MR. PRESIDENT :

The Judiciary Committee, to whom was referred Senate bill No. 39, entitled A bill to amend the 28th Section of an act regulating descents and the apportionment of estates, introduced by Senator Green, report that they have had the same under consideration, and respectfully recommend that said bill be referred to the Committee on Rights and Privileges, as Senate bills No. 72 and Nos. 106 and 78, in the hands of said Committee, embrace the same subjects.

Which report was concurred in.

Mr. Howk, from the Committee on the Judiciary, submitted the following report :

MR. PRESIDENT :

The Judiciary Committee, to whom was referred Senate bill No. 96, entitled " An act prohibiting Supreme, Circuit or Common Pleas Judges, Clerks of the Circuit Courts, Clerks of the Court of Common Pleas, Auditors, Treasurers, Recorders, Sheriffs and their deputies, from practicing law in any of the Courts of the State, except as in this act permitted, and prescribing punishment for the violation thereof, report that they have had the same under consideration, and respectfully recommend the passage of the bill.

Which report was concurred in.

Mr. Hanna from the Committee on the Judiciary, submitted the following report :

MR. PRESIDENT :

The Judiciary Committee, to whom was referred Senate bill No. 43, entitled " A bill to facilitate making up the issues in civil actions," report that they have had the same under consideration, and respectfully recommend the passage of said bill.

Mr. Hanna, of said Committee, dissenting from said report.

The question being, Shall the report of the Committee be concurred in ?

The ayes and noes were demanded by Messrs. Hughes and Bradley.

Those who voted in the affirmative were,

Messrs. Armstrong, Beardsley, Bradley, Case, Caven, Church, Elliott, Fisher, Fosdick, Gifford, Gray, Henderson, Hess, Howk, Hucy, Hurlin, Kinley, Reynolds, Robinson, of Decatur, Scott, Stein and Wolcott.—22.

Those who voted in the negative were,

Messrs. Bellamy, Bird, Cravens, Denbo, Green, Hadley, Hamilton, Hanna, Hooper, Hughes, Humphreys, Johnson, of Montgomery, Laselle, Morgan, Rice, Robinson, of Madison, Sherrod, Smith and Wood.—19.

So the report was concurred in.

Mr. Robinson, of Madison, from the Committee on the Judiciary, made the following report :

MR. PRESIDENT :

The Judiciary Committee, to whom was referred House bill, No. 14, entitled An act to amend Section 3 of an act regulating interest on money, report that they have had the same under consideration, and respectfully recommend that said bill lie on the table.

Which report was concurred in.

Mr. Rice from the Committee on the Judiciary, made the following report :

MR. PRESIDENT :

The Committee on the Judiciary, to whom was referred Senate bill No. 44, introduced by Mr. Denbo, entitled "An act to limit the time of commencing actions for the recovery of lands sold for taxes, and repealing all laws in conflict herewith, and declaring an emergency," report that they have had the same under consideration, and respectfully recommend that said bill lie on the table.

Which report was concurred in.

Mr. Green, from the Committee on the Organization of Courts, submitted the following report :

MR. PRESIDENT :

The Committee on the Organization of Courts, to whom was referred Senate bill No. 20, "A bill to tax costs in cases when surety on the bond of any Guardian, Executor or Administrator shall apply to be released as such surety," have had the same under consideration, and recommend the following amendment, by adding the following section, to-wit: "Section 2, There being an emergency for the immediate taking effect of this act, the same shall be in force from and after its passage," subject to this amendment, they recommend the passage of the bill.

Which report was concurred in.

Mr. Scott, from the Committee on the Organization of Courts, made the following report :

MR. PRESIDENT :

The Committee on the Organization of Courts, to whom was referred Senate bill No. 35, "An act in relation to docket fees, and declaring an emergency," presented by Senator Scott, have had the same under consideration, and recommend that the words, "and publication in the Indianapolis Journal and Indianapolis Sentinel," in the section declaring an emergency be stricken out, subject to this amendment, the passage of the bill is recommended.

Which report was concurred in.

Mr. Denbo, from the Committee on the Organization of Courts, made the following report :

MR. PRESIDENT :

The Committee on the Organization of Courts, to whom was referred Senate bill 119, being "A bill to fix the times of holding the Courts of Common Pleas in the various counties, composing the Fourth Common Pleas Judicial District, providing for the return of process, repealing all acts in conflict with the provisions of this act, and declaring an emergency," presented by Senator Hawk, have had the same under consideration, and recommend its passage.

Which report was concurred in.

Mr. Robinson of Madison, from the Committee on the Organization of Courts, made the following report :

MR. PRESIDENT ;

The Committee on the Organization of Courts, to whom was referred Senate bill No. 110, being "A bill to create the Twenty-Fourth Judicial Circuit, providing for the appointment and election of a Judge and Prosecuting Attorney therein, and for their compensation, &c." presented by Senator Howk, have had the same under consideration, and recommend its passage.

Which report was concurred in.

Mr. Scott, from the Committee on the Organization of Courts, made the following report :

MR. PRESIDENT :

The Committee on the Organization of Courts to whom was referred Senate bill No. 41, "An act relating to appeals to the Supreme Court," presented by Senator Scott, have had the same under consideration, and recommend its passage.

Which report was concurred in.

Mr. Stein, from the Committee on the Organization of Courts, made the following report:

MR. PRESIDENT .

The Committee on the Organization of Courts, to whom was referred Senate bill No. 92, being a bill to prescribe the duration of the terms of the Circuit Court in the counties of Jasper and Newton, presented by Senator Wolcott, have had the same under consideration and report the following amendments, to-wit:

Amend said bill by striking out the same from the enacting clause and insert the following to-wit:

SECTION 1. That Circuit Courts in the Twelfth Judicial Circuit, shall be holden as follows, to-wit: In the County of White, on the 1st Monday in March and September, and shall hold two weeks, if the business thereof shall require it. In the County of Newton, on the Mondays succeeding the Courts in the county of White, and

shall set two weeks, if the business thereof require it. In the County of Jasper, on the Mondays succeeding the Court in the County of Newton, and shall sit for two weeks, if the business thereof requires it.

In the County of Benton, on the Mondays succeeding the Courts in the County of Jasper, and shall sit one week if the business thereof require it. In the County of Tippecanoe, on the Mondays succeeding the Courts in the County of Benton, and shall sit so long as the business thereof require.

SEC. 2. All acts in conflict with this act be and the same are hereby repealed.

SEC. 3. Whereas, an emergency exists for the immediate taking effect of this act, the same is hereby declared to be in force from and after its passage.

Amend the title of said act by striking out the title of the original bill, and inserting the following, to-wit:

An act fixing the times of holding the Courts in the Twelfth Judicial Circuit, repealing all acts in conflict therewith, and declaring an emergency.

With these amendments, the Committee recommend its passage. Which report was concurred in.

Mr. Scott, from Committee on the Organization of Courts, submitted the following report:

MR. PRESIDENT:

The Committee on the Organization of Courts, to whom was referred engrossed Senate bill No. 45, a bill relating to the salaries of the Judges of the Supreme, Circuit, Civil and Criminal Circuit, and Common Pleas Courts, and declaring an emergency, have had the same under consideration, and suggest the following amendments:

Strike out after the word "paid," in line 15, page one, and insert "as now provided by law."

Strike out in the section declaring an emergency, the following words, to-wit: "and publication in the Indianapolis Journal and Indianapolis Sentinel."

S. J.—16.

Subject to these amendments, its passage is recommended.

Mr. Rice moved to further amend the bill by striking out the figures "4,000" where they occur, and inserting "3,500," and the figures "3,000" where they occur, and insert "2,500."

Which was agreed to.

Mr. Johnson, of Montgomery, moved that the bill be indefinitely postponed.

Mr. Hughes moved that the bill be laid upon the table.

Which was agreed to.

Mr. Caven, Chairman of the Judiciary Committee, made the following report:

MR. PRESIDENT:

The Judiciary Committee, to whom was referred Senate bill No. 93, introduced by Senator Howk, entitled "an act to regulate the practice as to reading, making, and signing the record entries in the Circuit Courts and the Courts of Common Pleas, and to repeal all acts in conflict therewith," report that they have had the same under consideration, and respectfully recommend the passage of said bill.

Which report was concurred in.

Mr. Rice, from the Committee on Corporations, made the following report:

MR. PRESIDENT:

The Committee on Corporations, to whom was referred Senate bill No. 27, entitled a bill authorizing the Bristol Hydraulic Company to erect and maintain a dam across the St. Joseph River, at or near Bristol, have had the same under consideration, and now report it back to this Senate, and recommend that it do pass.

Which report was concurred in.

Mr. Wolcott, from a select committee, reported the following bill:

Senate bill No. 144. An act to prevent the introduction and spread in this State of the Texas or Spanish cattle fever, and de-

declaring the bringing of Texas or Cherokee cattle into this State, or the purchasing of the same at certain seasons of the year, a misdemeanor, and prescribing the penalty therefor.

Which was read a first time, and passed to a second reading on to-morrow.

Mr. Cravens, from a special committee, made the following report:

MR. PRESIDENT:

The special committee, to whom was referred Senate bill No. 94, a bill touching the consolidation of railroads, and declaring the effect of such consolidations, have had the same under consideration, and instruct me to report said bill back to the Senate, and recommend its passage.

Which report was concurred in.

Mr. Johnson of Montgomery, made the following report:

MR. PRESIDENT:

The select committee, to whom was referred Senate bill No. 24, have had the same under consideration, and have directed me to report the same back, with an amendment, and when so amended, recommend its passage:

Recommit the bill to a select committee, with instructions to amend the bill that the jurors shall be allowed a fair compensation per day for their services.

Amend the bill by inserting the following section:

"SEC. 2. That jurors summoned under the provisions of section one of this act, shall each be entitled to receive for his services as such juror, for each day he may be required to attend such trial, three dollars; and for every mile traveled, in going to and returning from such trial, ten cents; the above fees to be paid out of the county treasury of the county where the venire issued and the trial had."

And amend by changing the number of section 2 to 3.

Which report was concurred in.

ORDERS OF THE DAY.

The following message from the Governor was taken up and referred to the Military Committee.

EXECUTIVE DEPARTMENT,
INDIANAPOLIS, January 29, 1869. }

Gentlemen of the Senate and House of Representatives:

I herewith respectfully transmit to the General Assembly the report of Col. Wm. Hannaman, Military Agent of the State, setting forth the business transactions of the agencies here and at Washington during the years 1867 and 1868. The agency at Washington was discontinued on the 1st day of April, 1868, for want of funds to continue it. I invite your especial attention to the amounts collected during the past two years, and the large number of claims still pending with a view to a decision of the question as to what further action should be taken.

CONRAD BAKER.

Mr. Hooper asked and obtained leave of absence for one week for Mr. Fosdick.

Mr. Hughes introduced Joint Resolution No. 7:

A joint resolution instructing our Senators and requesting our Representatives in Congress to vote for the repeal of the tenure of office law.

Which was read.

The question being, shall the joint resolution pass?

Those who voted in the affirmative were,

Messrs. Armstrong, Beardsley, Bird, Bradley, Case, Cravens, Denbo, Elliott, Fisher, Fosdick, Gifford, Gray, Henderson, Hooper, Houghton, Howk, Huey, Huffman, Hughes, Kinley, Laselle, Morgan, Rice, Reynolds, Robinson of Madison, Robinson of Decatur, Scott, Sherrod, Smith, Stein, Wolcott and Wood—32.

Those who voted in the negative were,

Messrs. Bellamy Caven, Church, Green, Hadley, Hamilton, Hanna, Hess, Humphreys, and Johnson of Montgomery—10.

So the joint resolution passed.

Ordered, That the Secretary inform the House thereof.

On motion by Mr. Gifford the Senate adjourned.

FRIDAY, 2 O'CLOCK P. M.

The Senate met.

Mr. Wood, from a special committee, made the following report:

MR. PRESIDENT:

The special committee appointed by the Senate to inquire what legislation, if any, might be necessary to prevent the introduction of Texas or Spanish fever, and to prevent the importation of Texas or Cherokee cattle into the State of Indiana, and to report by bill or otherwise, have had the same under consideration, and respectfully submit the accompanying bill.

Senate bill No. 145. An act to prevent the introduction and spread of a cattle disease commonly known as "Texas or Spanish Fever," by the importation and introduction of cattle into the State of Indiana infected with or liable to impart to other cattle said disease, and providing for the recovery of damages caused by the introduction of such diseased cattle, from the owners of such cattle.

Which was read a first time, and passed to a second reading on to-morrow.

Mr. Robinson of Madison asked and obtained leave of absence for Mr. Case for one week.

Mr. Wood asked and obtained leave of absence for Mr. Bellamy until Tuesday next.

Mr. Elliott introduced

Senate bill No. 146. An act to authorize Turnpike Companies to construct branch roads.

Which was read a first time and referred to the Committee on Roads.

By unanimous consent of the Senate, Mr. Laselle offered the following resolution :

WHEREAS, strict economy in the public expenditures is at all times required, and whereas the people of this State, by reason of the high rate of State and National taxation, and at this time heavily burdened by such taxation ; therefore,

Resolved, That a Select Committee, to consist of one Senator from each Congressional District, be appointed by the President to inquire into the expediency of abolishing any office, of reducing any fees or salaries, or of curtailing any expenditures pertaining to any State or county officer of this State ; that they have the power to send for persons or papers to aid in such inquiry, and that they report by bill or otherwise, on or before the 20th day of February next.

Which was adopted.

By unanimous consent of the Senate, Mr. Kinley offered the following resolution.

Resolved, That the Senate proceed at three o'clock, to the Hall of the House, to hear the lecture of Messrs. Brockway and Coffin on the subject of Prison Reform.

Which was adopted.

Mr. Bradley introduced

Senate bill No. 147. A bill creating the Ninth and Twelfth Judicial Circuits, and providing for the times of holding courts therein.

Which was read a first time, and referred to the Committee on Organization of Courts.

Mr. Bellamy introduced

Senate bill No. 148. An act to legalize the acknowledgments of all deeds, mortgages and other instruments required to be recorded, taken and certified by Notaries Public, who took and certified such acknowledgments after the expiration of their commissions.

Which was read a first time, and referred to the Committee on the Judiciary.

Mr. Johnston, of Montgomery, introduced

Senate bill No. 149. A bill to amend the 17 section of an act regulating the fees of officers, and repealing all former acts in relation thereto, approved March 2d, 1865.

Which was read a first time and referred to the Committee on the Rights and Privileges of the Inhabitants of the State.

Mr. Kinley introduced

Senate bill No. 150. A bill defining common school system of this State.

Which was read a first time, and referred to the Committee on Education.

Mr. Robinson, of Madison, introduced

Senate bill No. 151. A bill to enable cities to aid in the construction of railroads and water powers.

Which was read a first time, and referred to the Committee on Corporations.

Mr. Johnson, of Montgomery, introduced

Senate bill No. 152. A bill to amend the 2d section of an act to provide for the protection of wild game, and defining the time in which the same may be taken or killed, and declaring the penalty for the violation of this act, and repealing all laws inconsistent herewith, approved March 11th, 1867.

Which was read a first time, and referred to the Committee on Agriculture.

Mr. Gray introduced

Senate bill No. 153. An act to amend an act entitled an act providing for the election or appointment of supervisors of highways, and prescribing certain of their duties, and those of county and township officers in relation thereto, approved March 5, 1859.

Which was read a first time, and referred to the Committee on County and Township Business.

Mr. Humphreys introduced

Senate bill No. 154. An act to amend section sixth of an act entitled an act to amend an act entitled an act providing for the election or appointment of supervisors of highways, and prescribing certain of their duties and those of county and township officers, in relation thereto, approved March 5, 1859, approved June 20, 1865.

Which was read a first time, and referred to the Committee on County and Township Business.

By the unanimous consent of the Senate, Mr. Houghton presented the petition of sundry citizens of the State asking for such legislation as will remove the evil growing out of railroad combinations, and fix a limit to the unjust discrimination practiced in local freight and passenger business.

Which was referred to the Committee on Corporations.

ORDERS OF THE DAY.

Message from the House, by Mr. Merwin the Clerk thereof:

MR. PRESIDENT:

I am directed by the House of Representatives, to inform the Senate that the House has passed Senate bill No. 11. A bill entitled an act to repeal the 17th section of an act to incorporate the Fireman and Mechanic Insurance Company, and declaring an emergency.

Also, that the House has passed Senate bill No. 32. A bill to fix the time of holding Courts in the 17th Judicial Circuit, repealing all laws on the same subject, and declaring when it shall take effect—with amendments, which amendments have been engrossed and are herewith transmitted for the concurrence of the Senate.

On motion by Mr. Robinson of Madison, the amendments therein contained were concurred in.

BILLS ON SECOND READING.

Senate bill No. 5. An act to amend the first section of an act entitled an act to declare abandoned, certain unfinished railroads, and to prescribe for their completion, to declare forfeited the franchises of certain railroad companies, and for the assessment of the value thereof, for the organization of new companies, and for making annual settlements, approved March 11, 1867: and the failure of any company to have performed the preliminary organization contemplated by the first section of the act entitled an act to provide organizations of railroad companies, approved May 11, 1852, shall not invalidate such organization if otherwise in conformity with the same.

Which was read a second time.

Mr. Hooper moved to amend section one, as follows:

Provided, That this amendment shall not apply to any railroad company organized two or more years prior to the passage of this act, and has failed to expend any money for labor in actual construction of its road for the two years last past.

Which was adopted, and the bill was ordered to be engrossed for a third reading on to-morrow.

Senate bill No. 47. An act to enable cities to aid in the construction of railroads.

Was read a second time.

Mr. Robinson of Madison moved to recommit the bill to the Committee on Corporations.

Which was agreed to.

Senate bill No. 54. A bill to authorize and empower cities to establish public parks, and to acquire title to land for that purpose.

Was read a second time, and,

On motion of Mr. Carson, was recommitted to the Committee on Corporations.

Which was agreed to.

Senate bill No. 99. A bill to amend the 53d section of an act

for the incorporation of towns, defining their powers, providing for the election of officers thereof and declaring their duties; passed June 11, 1852.

Was read a second time.

Mr. Bradley moved to amend by striking out the old section.

Which was adopted, and the bill was ordered to be engrossed for a third reading on to-morrow.

By unanimous consent of the Senate,

Mr. Green, from the Committee on the town of Indianapolis, made the following report :

MR. PRESIDENT :

The Committee on the town of Indianapolis respectfully report that Senate bill No. 49, introduced by Senator Caven, a bill to authorize the City of Indianapolis to occupy as parks certain lands belonging to the State of Indiana, have had the same under consideration, and have instructed me to report the same back and recommend its passage.

Which report was concurred in.

Mr. Hamilton moved to reconsider the vote by which an invitation to visit the State Normal School was rejected.

Which was agreed to.

Mr. Hamilton then moved to amend the resolution by inserting Saturday in place of Thursday.

Which was agreed to.

Mr. Gifford asked and obtained leave of absence for the Committee on Prisons, on Tuesday next.

Mr. Kinley asked to be excused from serving on the select committee of physicians.

Which was agreed to.

RESOLUTIONS.

Mr. Kinley offered the following resolution :

Resolved, That the Auditor of State be requested to report to

the Senate the receipts and expenditures of the Southern State Prison during the past twelve years, and the Northern State Prison since its establishment; stating separately the cost of construction, and the ordinary expenses of the institutions. Also the amount paid as salaries of the Directors, and other prison officers.

Which was adopted.

Mr. Carson offered the following resolution :

Resolved, That when the Senate adjourn, that it adjourn to meet on Monday next, at ten o'clock, A. M.

Mr. Stein moved to amend by inserting two o'clock, P. M.

Which was agreed to, and the resolution, as amended, was adopted.

Mr. Gray offered the following concurrent resolution :

Resolved, That the Committee on Organization of Courts, on the part of the Senate, and the same committee on the part of the House of Representatives, meet in joint committee to take into consideration the expediency of reorganizing our system of courts so as to abolish the Court of Common Pleas, and provide for the establishment of a general system of Civil and Criminal Circuit Courts, and that said committee have leave of absence at such times during the sitting of either House as may be necessary to properly prepare and perfect such a measure, and that they report by bill or otherwise by the 10th day of February next.

Which, on motion of Mr. Carson, was referred to the Committee on the Judiciary.

On motion of Mr. Church the Senate adjourned.

MONDAY AFTERNOON, 2 o'clock, {
February 1, 1869. }

The Senate met.

The Journal of Friday was read.

PETITIONS, MEMORIALS AND REMONSTRANCES.

Mr. Caven presented the claim of Charles C. Campbell, late Sheriff of Marion county, Indiana, for money expended in arresting James Dilman, in 1852.

Which was referred to the Committee on Claims.

Mr. Gifford presented a petition from sundry citizens of the State of Indiana, in regard to a prison for *women*, and a Girls Reformatory, asking that the necessary steps may be taken for the erection of such institutions.

Which was referred to the Committee on Prisons.

Mr. Bradley laid before the Senate authenticated copies of poll books in the contested election case of Mr. Lafayette Cram against Hon. James Bradley, Senator from Laporte and Starke counties.

Which was referred to the Committee on Elections.

The following committee, consisting of one Senator from each Congressional District, to inquire into the expediency of abolishing any office, of reducing any fees or salaries, or of contracting any expenditures pertaining to any State or county office, were appointed by the President:

Messrs. Laselle, Johnson of Spencer, Sherrod, Huffman, Gifford, Hadley, Hanna, Wood, Gray, Case, and Church.

REPORTS OF STANDING COMMITTEES.

Mr. Caven, from the Judiciary Committee, submitted the following report:

MR. PRESIDENT:

The Judiciary Committee, to whom was referred Senate bill No. 143, "A bill authorizing continuances in certain cases," have had the same under consideration, and recommend that the same do pass.

Which report was concurred in.

Mr. Church moved to suspend the rules, that the bill might be read a second and third time now.

The ayes and noes were taken under the Constitution.

Those who voted in the affirmative were,

Messrs. Armsttong, Beardsley, Bradley, Carson, Caven, Church, Cravens, Elliott, Gifford, Gray, Green, Hadley, Hamilton, Hanna, Henderson, Hess, Hooper, Huey, Huffman, Hughes, Humphreys, Johnson of Montgomery, Laselle, Morgan, Reynolds, Robinson, of Decatur, Scott, Sherrod, Smith, Stein, Turner and Wood.—32.

Those who voted in the negative were,

Messrs. Fisher, Kinley, Taggart and Huey.—4.

So the rules were suspended.

Mr. Fisher moved to amend so that witnesses might be included in the provisions of said bill.

Mr. Hughes moved to insert the words "or parties," after witnesses.

On motion of Mr. Bradley,

Senate bill No. 143, was recommitted to the Judiciary Committee, with instructions to amend so as to apply to civil cases only.

Which was agreed to.

Mr. Caven, from the Committee on the Judiciary, made the following report:

MR. PRESIDENT:

The Committee on the Judiciary, to whom was referred Senate bill No. 60, entitled "An act to amend Section 103 of an act enti-

tled an act to revise, simplify and abridge the rules, practice, pleadings and forms, in the Courts of this State," report that they have had the same under consideration, and, as the same subject is embraced, together with additional matter, in Senate bill No. 40, respectfully recommend that said bill lie on the table.

Which report was concurred in, and the bill therein contained, was ordered to lie upon the table.

Mr. Scott, from the Committee on the Judiciary, made the following report :

MR. PRESIDENT :

The Judiciary Committee, to whom was referred Senate bill No. 59, introduced by Senator Caven, entitled " An act regulating change of venue, continuance, the subpoenaing and compelling the attendance of witnesses, and the order of arguments in criminal cases, and providing for the repeal of all laws in conflict therewith," report they have had the same under consideration, and recommend the following amendment, to-wit :

Strike out the word " defendant " in the second line of Section 4, and insert the word " either party " and upon the adoption of said amendment, they respectfully recommend the passage of said bill.

Which report was concurred in, and the amendments therein contained, were adopted.

Mr. Caven, from the Committee on Judiciary, made the following report :

MR. PRESIDENT :

The Committee on Judiciary, to whom was referred Senate bill No. 95, introduced by Senator Bradley, entitled " An act to amend Section 303, of an act to revise, simplify, and abridge the rules, practice, and pleadings and forms in civil cases, in the Courts in this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity, report that they have had the same under consideration, and respectfully recommend that the said bill lie on the table.

Which report was concurred in.

By unanimous consent of the Senate the rules were suspended, and,

On motion by Mr. Kinley,

A committee of three was appointed to invite Gen. O. O. Howard, to visit the Senate Chamber, and the President appointed Messrs. Wolcott, Gifford and Kinley, said Committee.

On motion of Mr. Kinley, a recess of fifteen minutes was taken that the Senate might receive their distinguished visitor, General O. O. Howard.

RESOLUTIONS.

Mr. Taggart offered the following resolution :

Resolved, That the Doorkeeper, his Assistants and Employees be and they are hereby instructed to strictly guard the desks of absent Senators, and see that the papers and documents laid upon the desks are not removed therefrom, without express orders from the absent Senators.

Which was adopted.

Mr. Gifford offered the following resolution :

Resolved, That when the Senate adjourns, it adjourn until to-morrow, at 10 o'clock A. M.

Which was adopted.

Mr. Sherrod offered the following concurrent resolution :

WHEREAS, the powers not delegated to the United States by the Federal Constitution, nor prohibited by it to the States respectfully and to the people; and whereas, the right of the States to regulate the elective franchise within their respective limits, is one of the reserved rights which can not be taken from them, without striking down one of the fundamental principles upon which our system of Government rests, therefore,

Resolved, the House of Representatives concurring, That our Senators in Congress be instructed, and our Representatives be requested, to oppose any amendment to the Federal Constitution,

by which this right is sought to be taken from the States and vested in the Federal Government.

Resolved, That an authenticated copy of this Resolution be transmitted by the Governor to each of our Senators and Representatives in Congress.

Was read a first time, and Mr. Gray moved to lay the Resolution on the table.

The ayes and noes were demanded by Messrs. Sherrod and Johnson of Montgomery.

Those who voted in the affirmative were,

Messrs. Armstrong, Beardsley, Caven, Fisher, Gray, Green, Hadley, Hamilton, Hess, Hooper, Kinley, Robinson of Decatur, Scott, Stein, Wolcott and Wood.—18.

Those who voted in the negative were,

Messrs. Bradley, Carson, Gifford, Hanna, Henderson, Huey, Huffman, Hughes, Humphreys, Johnson of Montgomery, Laselle, Sherrod, Smith, Taggart and Turner.—15.

No quorum voting.

Message from the House by Mr. Merwin, Clerk thereof.

MR. PRESIDENT :

I am directed by the Speaker of the House of Representatives to inform the Senate, that he has signed the following enrolled acts of the Senate, to-wit :

Enrolled Act No. 11. An act to repeal an act entitled an act to repeal the 17th section of an act to incorporate the Fireman's and Mechanic's Insurance Company.

Enrolled Act No. 32. An act to fix the time of holding the Circuit Courts in the Seventeenth Judicial Circuit, repealing all other laws on the same subject, and declaring when this act shall take effect.

Mr. Cravens asked and obtained leave of absence for Committee on Gubernatorial Mansion for the remainder of the afternoon.

Mr. Lasselle asked and obtained leave of absence for Mr. Howk for the remainder of the present week.

Mr. Church asked and obtained leave of absence for the Committee on Benevolent Institutions, to visit the Blind Asylum on Wednesday.

On motion of Mr. Gifford, the Senate adjourned.

TUESDAY MORNING, 10 o'CLOCK, }
February 2, 1869. }

Senate met.

The Journal of yesterday was read.

Mr. Church asked and obtained leave of absence for Mr. Rice.

Mr. Hughes asked and obtained leave of absence for Mr. Turner on account of sickness.

Mr. Sherrod moved a call of the Senate.

The Secretary proceeded with the call.

Those who answered to their names were,

Messrs. Beardsley, Bird, Bradley, Carson, Caven, Church, Cravens, Elliott, Fisher, Gray, Green, Hamilton, Hanna, Hess, Hooper, Huey, Huffinan, Hughes, Humphreys, Johnson of Montgomery, Kinley, Laselle, Lee, Morgan, Reynolds, Robinson of Madison, Robinson of Decatur, Scott, Sherrod, Stein, Wolcott and Wood—
32.

No quorum being present,

On motion by Mr. Stein, the Senate adjourned.

TUESDAY, 2 o'CLOCK P. M.

The Senate met.

SPECIAL ORDER.

Senate bill No. 55. "An act creating the 23d Judicial Circuit, and providing for the election of a Judge and Prosecuting Attor-

ney, and providing compensation therefor, declaring the jurisdiction of said court, and providing for the transfer of actions thereto," was taken up.

On motion of Mr. Scott, the further consideration of the special order was postponed until to-morrow morning at 10 o'clock A. M., and that it be made the special order for that hour.

PETITIONS, MEMORIALS, AND REMONSTRANCES.

Mr. Green presented a petition of sundry citizens of Hamilton county, asking the repeal of all laws subsequent to May 12, 1852, in relation to gravel and turnpike roads.

Which was referred to the Committee on Corporations.

Mr. Green presented a petition from David C. Maker, Israel Harris, and 800 others, citizens of Hamilton county, asking for the repeal of all fees to County Clerks and others, and the substituting of specific salaries in lieu thereof.

Which was referred to the Special Committee on Fees and Salaries.

Mr. Wolcott presented a remonstrance from Hon. H. Mason of Cannelton, Ind., against the repeal of the act of March 11, 1867, entitled "An act regulating the employment of persons under sixteen years of age in cotton and woolen factories in this State.

Which was referred to the Committee on Manufactories.

The following Message from the Governor, and accompanying report of the Board of State Debt Sinking Fund Commissioners, was taken up:

Gentlemen of the Senate and House of Representatives:

I herewith respectfully transmit the Report of the Board of State Debt Sinking Fund Commissioners, setting forth their proceedings subsequent to those reported to the last General Assembly

CONRAD BAKER.

Which was referred to the Committee on Finance.

Message from the Governor, by John M. Commons, his Private Secretary:

MR. PRESIDENT :

I am directed by the Governor to respectfully inform the Senate that he has approved and signed enrolled act No. 11, entitled "An act to repeal an act, entitled an act to repeal the 17th section of an act to incorporate the Firemans' and Mechanics' Insurance Company.

Also, enrolled act No. 32, entitled "An act to fix the time of holding the Circuit Courts in the seventeenth Judicial Circuit, repealing all other laws on the same subject, and declaring when this act shall take effect," and that the same have been deposited in the office of the Secretary of State.

REPORTS FROM STANDING COMMITTEES.

Mr. Robinson of Decatur, from the Committee on Roads, made the following report :

MR. PRESIDENT :

The Committee on Roads, to whom was referred Senate bill No. 111, "An act to amend section 16 of an act entitled an act providing for the, or appointment of supervisors of highways, and prescribing certain of their duties, and those of County and Township officers in relation thereto," report that they have had the same under consideration, and have directed me to report the same back to the Senate, and recommend that it lie on the table.

Which report was concurred in.

Mr. Robinson of Decatur, from the Committee on Roads, made the following report :

MR. PRESIDENT :

The Committee on Roads, to whom was referred Senate bill No. 140, "An act to amend section 15 of an act entitled an act to amend section 15 of an act entitled an act, to provide for the opening, vacating, and change of highways," report that they have had the same under consideration, and have directed me to report the same back to the Senate, and recommend that it lie on the table.

Which report was concurred in.

Mr Johnson of Montgomery, made the following report:

MR. PRESIDENT :

The Committee on Roads, to whom was referred Senate bill No. 128, "An act to exempt certain persons therein named from performing labor on the public highways," have had the same under consideration, and have directed me to report the bill back to the Senate, and recommend that it lie on the table.

Which report was concurred in.

RESOLUTIONS.

Mr. Hughes offered the following concurrent resolution :

Resolved, By the Senate, (the House of Representatives concurring,) that the Auditor of State, be required in all future annual reports, to make an exhibit under appropriate headings of the Federal Taxes paid by the people of the State of Indiana, and that for the necessary expenses of procuring and compiling such information, he shall be paid a reasonable compensation.

Which was adopted.

Ordered, That the Secretary inform the House thereof.

Mr. Lasselle offered the following concurrent resolution :

Resolved, By the Senate, the House of Representatives concurring. That the State Librarian be directed to furnish to each of the employees of the General Assembly, who have served in the army or navy for the suppression of the late rebellion, one copy of each volume of the Adjutant General's Report that may remain unappropriated.

Which was adopted.

Ordered, That the Secretary inform the House thereof.

Mr. Carson introduced

Joint resolution No. 8. A joint resolution appropriating \$10,000 to be expended by the Governor for the purpose of detecting and bringing to punishment the perpetrators of high crimes and offences lately perpetrated in this State, and also for the purpose of detecting and bringing to just punishment all such as may hereafter be

guilty of like grave offences, and matters properly connected therewith.

Which was referred to the Committee on Finance.

Mr. Morgan introduced

Joint resolution No. 9. A joint resolution for creating another Judicial District for the District Court of the United States for Southern Indiana.

Which was read a first time, and,

On motion of Mr. Fisher, was made the special order for tomorrow at 11 o'clock, A. M.

BILLS INTRODUCED.

Mr. Johnson of Montgomery introduced

Senate bill No. 155. An act fixing the time when personal estate shall be listed, and defining the duties of Assessors, Boards of County Commissioners, and Boards of Equalization in relation thereto.

Which was read a first time, and referred to the Committee on County and Township Business.

Mr. Stein introduced

Senate bill No. 156. A bill accepting certain donations from Tippecanoe county and others, and locating the Agricultural College contemplated by the Act of Congress, approved July 2, 1862, and providing for the organization and management thereof.

Which was read a first time, and referred to the Committee on Education and Agriculture.

Mr. Hughes introduced

Senate bill No. 157. An act to provide free transportation for members of the Legislature in going to and from the capital, and to prohibit their acceptance or use of free tickets for transportation from the railroad companies.

Which was read a first time, and referred to the Committee on the Rights and Privileges of the Inhabitants of this State.

Mr. Hooper introduced

Senate bill No. 158. An act to provide for the public printing,

regulating the prices to be paid therefor, fixing the time and mode of electing a state printer, defining his duties, fixing compensation, and repealing all laws in conflict with this act.

Which was read a first time, and referred to the Committee on Printing.

Mr. Lasselle introduced

Senate bill No. 159. An act to revise and codify the laws of the State.

Which was read a first time, and referred to the Committee on the Judiciary.

Mr. Henderson introduced

Senate bill No. 160. An act fixing the salaries of certain county officers therein mentioned, and prescribing their duties in certain cases, and fixing the pay of clerks or deputies employed therein.

Which was read a first time, and referred to the Committee on Fees and Salaries.

On motion, two hundred copies were ordered printed.

Mr. Stein introduced

Senate bill No. 161. "A bill to provide for the organization of Savings Banks, and the safe and proper management of their affairs."

Which was read a first time, and on motion of Mr. Stein, was referred to the Committee of the Whole Senate, and made the special order for Monday, February 8th, at half-past two o'clock P. M.

On motion, two hundred copies of the bill was ordered to be printed.

Mr. Lasselle introduced

Senate bill No. 162. An act to provide for the service of process upon railroad companies.

Which was read a first time, and referred to the Committee on the Judiciary.

Mr. Johnson, of Montgomery, introduced

Senate bill No. 163. A bill to amend sections 13, 138 and 160, of an act to provide for a general system of common schools, etc.

Which was read a first time, and referred to the Committee on Education.

Mr. Sherrod moved to take up the concurrent resolution, introduced by him on yesterday, which was pending during the call of Senate at adjournment.

Which was not agreed to.

Mr. Hughes demanded a call of the Senate.

The Secretary proceeded with the call.

The following Senators answered to their names :

Messrs. Beardsley, Bird, Bradley, Carson, Caven, Church, Cravens, Elliott, Fisher, Gray, Green, Hamilton, Hannah, Henderson, Hess, Hooper, Huey, Huffman, Hughes, Humphreys, Johnson of Montgomery, Kinley, Lasselle, Morgan, Reynolds, Robinson of Madison, Robinson of Decatur, Scott, Sherrod, Stein, Wolcott, and Wood—32.

No quorum present.

On motion of Mr. Stein, the Senate adjourned.

WEDNESDAY MORNING, 9 O'CLOCK. }
February 3d, 1869. }

The Senate met.

The journal of yesterday was read.

PETITIONS, MEMORIALS AND REMONSTRANCES.

Mr. Stein presented

The petition of sundry citizens of the State, asking for such legislation as will remove the evil growing out of railroad combinations and the unjust discrimination practiced in local freight and passenger business.

Which was referred to the Committee on Corporations.

Mr. Bradley presented

A petition from sundry citizens of the State, asking for legislation in regard to the killing of minks and other fur bearing animals of this State.

Which was referred to the Committee on Rights and Privileges of the Inhabitants of the State.

Mr. Caven presented a petition from sundry citizens of the State asking for an amendment to the gravel road law.

Which was referred to the Committee on Corporations.

Mr. Caven presented a petition from sundry citizens of the county of Hendricks, asking for the repeal of the gravel road law.

Which was referred to the Committee on Corporations.

Mr. Hadley presented a petition from sundry citizens of Marion county, State of Indiana, asking the repeal of the gravel road law.

Which was referred to the Committee on Corporations.

SPECIAL ORDER.

The hour of 10 o'clock having arrived,

Senate bill No. 55, "An act creating the 23d Judicial Circuit, and providing for the election of a judge and prosecuting attorney, and providing compensation therefor, declaring the jurisdiction of said court, and providing for the transfer of actions thereto,"

Was taken up.

Mr. Scott moved to postpone the further consideration of the bill until to-morrow at half-past two o'clock, P. M., and that it be made the special order for that hour.

Which was agreed to.

REPORTS OF STANDING COMMITTEES.

Mr. Robinson of Decatur, Chairman of the Committee on Roads, reported back sundry petitions for the repeal of the gravel road law, and asked that they be referred to the Committee on Corporations.

Which was agreed to.

Mr. Gray, from the Committee on Corporations, submitted the following report :

MR. PRESIDENT :

The Committee on Corporations, to whom was referred Senate bill No. 90, entitled an act to amend the thirty-fourth subdivision of section 53 of an act entitled "An act to repeal all general laws now in force for the incorporation of cities," have had the same under consideration, and now report the same back to the Senate and recommend the passage of the bill.

Which report was concurred in.

Mr. Gray, from the Committee on Corporations, made the following report :

MR. PRESIDENT :

The Committee on Corporations, to whom was referred Senate bill No. 54, entitled a bill to authorize and establish public parks and to acquire title to land for that purpose, have had the same under consideration, and now report the same back to the Senate and recommend the passage of the bill.

Which report was concurred in.

REPORTS OF SELECT COMMITTEES.

Mr. Fisher, from a joint special committee, made the following report :

MR. PRESIDENT :

The joint special committee, to whom was referred a joint resolution No. 6, instructing our Senators and requesting our Representatives in Congress to use their influence to procure the passage of an act of Congress authorizing the Secretary of the Treasury of the United States to receive coupons of United States Bonds in payment of import duties, and permitting such coupons to be so secured in advance of their becoming due, have had the said resolution under consideration, and have directed me to report the same back and recommend that it be laid upon the table.

Which, upon motion by Mr. Caven, was made the special order for 2 o'clock, P. M.

Mr. Wolcott, from a special Joint Committee, made the following report :

MR. PRESIDENT :

The Special Joint Committee, to whom was referred certain Resolutions relative to the National Finances, with instructions to report what, in the opinion of the Committee, the National credit and the interests of the people of this State require, respectfully beg leave to report that they have earnestly considered the subject referred to them ; and, in view of the general situation of the interests involved in the inquiry, with the legislation pending in the Congress of the United States affecting the same, propose and recommend the passage of the following Joint Resolution No. 10.

Be it resolved by the General Assembly of the State of Indiana, That our Senators in Congress be instructed, and our Representatives requested, to oppose by their influence and votes the passage of any bill that shall specially legalize coin contracts, until the United States shall redeem its Treasury Notes in coin ; and to oppose the enactment of any law which shall have the effect to reduce the present volume of the paper money in use among the people of the United States.

Which report was concurred in.

On motion of Mr. Wolcott the rules were suspended.

The question being, shall the Joint Resolution pass?

Those who voted in the affirmative were,

Messrs. Beardsley, Bradley, Carson, Caven, Church, Cravens, Denbo, Elliott, Fisher, Gray, Green, Hadley, Hamilton, Henderson, Hooper, Huey, Huffman, Jaquess, Johnson of Montgomery, Kinley, Lasselle, Lee, Morgan, Reynolds, Scott, Sherrod, Stein, Turner, Wolcott and Wood.—30.

Those who voted in the negative were,

Messrs. Bird, Hanna, Hess, Humphreys, Robinson of Decatur and Taggart.—6.

So the Joint Resolution passed.

Ordered that the Secretary inform the House thereof.

RESOLUTIONS.

Mr. Hadley offered the following resolution :

WHEREAS, It appears upon the 387th page of the Brevier Legislative Reports for 1867, that ex-Senator Mason stated upon this floor, that the Commissioners of Hancock County had proposed to donate to the State of Indiana the sum of \$125,000, to secure the location of the Agricultural College at Greenfield, or some other point in that county ; therefore, be it

Resolved, That a Committee of three be appointed to inquire if said statement was correct, and, if said proposition was made, whether the same is now or will be renewed.

Which was adopted, and the President appointed Messrs. Hadley, Caven and Johnson of Montgomery, as said Committee.

Mr. Fisher introduced the following concurrent resolution :

Resolved, By the Senate, the House concurring, that the Trustees of the Northern Penitentiary be instructed to pay to Louisa R. Skin-

ner, widow of Rev. H. C. Skinner, deceased, late Moral Instructor of said Penitentiary, the sum of one hundred and twenty-two and sixty-four one hundredth dollars, \$122 64,) it being the regular salary of said Moral Instructor from the time he was paid, to-wit: the 11th day of December, 1867, to the time his successor was appointed, which was the 6th day of February, 1868.

Which was adopted.

Ordered that the Secretary inform the House thereof.

The President laid before the Senate a statement from the Auditor of State, in response to a resolution of the 29th ultimo, showing the receipts and disbursements on account of State Prison South and State Prison North.

Which was referred to the Committee on Prisons.

SPECIAL ORDER.

. JOINT RESOLUTION NUMBER NINE.

Joint Resolution, for creating another Judicial District for the District Court of the United States in Southern Indiana, was taken up.

Mr. Bradley moved to strike out "Southern," and insert "Northern," and to strike out "Laporte," and insert "Evansville."

Mr. Church moved to refer the resolution and amendments to the Committee on the Organization of Courts.

Mr. Cravens moved to lay the motion to refer on the table.

Which motion prevailed.

Mr. Wolcott offered the following substitute :

Be it resolved, By the General Assembly of the State of Indiana that our Senators in Congress be instructed, and our Representatives requested, to procure the enactment of a law in Congress which shall establish in this State two United States District Courts, in lieu of the present District Court, a Northern Court, to be established at Logansport, and a Southern District Court, to be established at Evansville.

Mr. Bradley moved to strike out Evansville and Logansport.

Mr. Cravens moved to lay the substitute on the table.

Which was agreed to.

Mr. Lasselle moved to refer the whole subject to a Select Committee, consisting of one from each Congressional District.

Mr. Scott moved to amend by substituting Committee on Federal Relations.

Which motion was agreed to.

The question then recurring on the motion to refer to the Committee on Federal Relations,

Which motion was not agreed to.

Mr. Bird moved the previous question.

Which was seconded by the Senate.

The question being shall the main question be now put?

The ayes and noes were taken under the Constitution.

Those who voted in the affirmative were,

Messrs. Beardsley, Bird, Carson, Caven, Cravens, Denbo, Elliott, Fisher, Hadley, Hamilton, Hanna, Henderson, Hess, Hooper, Huey, Hughes, Humphreys, Jaquess, Johnson of Spencer, Johnson of Montgomery, Kinley, Laselle, Morgan, Robinson of Madison, Robinson of Decatur, Scott, Stein, Taggart, Turner, Wolcott, and Wood—32.

Those who voted in the negative were,

Messrs. Gray, Lee, and Sherrod—3.

So the Joint Resolution passed.

Ordered that the Secretary inform the House thereof.

BILLS INTRODUCED.

Mr. Bradley introduced

Senate bill No. 164. An act to authorize the amendment of bills of exceptions in certain cases therein mentioned.

Which was read a first time, and referred to the Committee on the Judiciary.

Mr. Denbo introduced

Senate bill No. 165. An act to authorize the Boards of Commissioners to relieve sureties on official bonds of county officers on a petition of a majority of the voters.

Which was read a first time, and referred to the Committee on County and Township Business.

Mr. Cravens introduced

Senate bill No. 166. A bill providing for the establishment of election precincts, and prescribing the duties of Boards of County Commissioners in relation thereto.

Which was read a first time and referred to the Committee on County and Township Business.

Mr. Jaquess introduced

Senate bill No. 167. An act to amend section four (4) of an act incorporating manufacturing companies, &c.

Which was read a first time and referred to the Committee on Corporations.

Mr. Robinson introduced

Senate bill No. 168. An act to authorize turnpike and gravel road companies heretofore or hereafter organized in this State under the laws thereof, to increase the capital stock of their companies when, in any case, the capital stock in the original articles of association shall be insufficient to construct and equip the road.

Which was read a first time and referred to the Committee on Corporations.

Mr. Robinson, of Madison, introduced

Senate bill No. 169. An act to authorize the Common Councils of incorporated cities to act as School Trustees, defining their powers and duties, prescribing the manner of assessing and collecting the school taxes of such cities, prescribing certain duties of

City Clerks and Treasurers, and County Auditors and Treasurers, in relation to school matters, repealing conflicting laws, and declaring an emergency.

Which was read a first time and referred to the Committee on Education.

Mr. Lasselle introduced

Senate bill No. 170. A bill to revise and amend section thirteen of an act entitled "An act providing for an organization of Circuit Courts, the election of Judges thereof, and defining their powers and duties," approved June 1st, 1852.

Which was read a first time and referred to the Committee on the Judiciary.

Mr. Scott introduced

Senate bill No. 171. An act to amend an act entitled "The act authorizing the construction of plank, macadamized, and gravel roads," approved May 12th, 1862, and the act passed amendatory thereto.

Which was read a first time and referred to the Committee on Corporations.

Mr. Caven introduced

Senate bill No. 172. An act to exempt burial grounds from lien or sale on execution, or other process.

Which was read a first time and referred to the Committee on the Rights and Privileges of the Inhabitants of the State.

Mr. Caven introduced

Senate bill No. 173. An act to change the corporate name of the Widows' and Orphans' Asylum of Indianapolis.

Which was read a first time and referred to the Committee on Corporations.

Mr. Wolcott introduced

Senate bill No. 174. An act to provide for the measurement of ear corn and hay in bulk.

Which was read a first time and referred to the Committee on Agriculture.

The following communications were laid before Senate, from the Secretary of State :

MR. PRESIDENT :

I beg leave to lay before the Senate, Enrolled act No. 41 of the State of Indiana, entitled "An act to authorize incorporated Towns and Townships to subscribe for, purchase and hold stock, and make donations to Turnpike, Plank Road, Railroad, Railway and Slack Water Navagation Companies, and matters properly connected therewith, and declaring an emergency," with the Governor's objections thereto, which were filed in my office, March 16th, 1867.

Very respectfully,

NELSON TRUSLER,

Secretary of State.

MR. PRESIDENT :

I beg leave to lay before the Senate, Enrolled act No. 47, Senate of Indiana, "An act authorizing Boards of County Commissioners to make appropriations in aid of the construction of manufacturing establishments or machine shops," with the Governor's objections thereto, which were filed in my office, March 14th, A. D., 1867.

Very respectfully,

NELSON TRUSLER,

Secretary of State.

Which was referred to the Committee on Corporations.

SENATE BILLS ON SECOND READING.

Senate bill No. 120. An act to tax costs in cases where surety in the bonds of any guardian or administrator shall apply to be released as such surety,

Was read a second time.

Ordered to be engrossed, and passed to a third reading on to-morrow.

Senate bill No. 27. A bill authorizing the Bristol Hydraulic Company to erect and maintain a dam across the St. Joseph river, at, or near Bristol.

Was read a second time.

Oodered to be engrossed, and passed to a third reading on to-morrow.

Senate bill No. 35. A bill in relation to docket fees, and declaring an emergency.

Was read a second time.

Ordered to be engrossed, and passed to a third reading on to-morrow.

Senate bill No. 41. An act relating to appeals to the Supreme Court.

Was read a second time.

Mr. Bradley moved to indefinitely postpone the bill.

The ayes and noes were demanded by Messrs. Bradley and Reynolds.

Those who voted in the affirmative were,

Messrs. Bird, Bradley, Carson, Caven, Church, Elliott, Fisher, Green, Hadley, Hamilton Hess, Hooper, Huey, Huffman, Jaquess, Johnson of Montgomery, Morgan, Reynolds, Taggart, Turner and Wood—21.

Those who voted in the negative were,

Messrs. Beardsley, Cravens, Denbo, Gray, Hanna, Henderson, Humphreys, Kinley, Lee, Robinson of Decatur, Scott, Sherrod, Stein and Walcott—14.

So the bill was indefinitely postponed.

Senate bill No. 43. An act to facilitate the making up the issues in civil actions.

Was read a second time.

Mr. Scott moved to indefinitely postpone the bill.

The ayes and noes were demanded by Messrs. Bradley and Wolcott.

Those who voted in the affirmative were,

Messrs. Beardsley, Bird, Carson, Elliott, Green, Hadley, Hamilton, Hanna, Hess, Hooper, Huey, Humphreys, Jaquess, Johnson of Montgomery, Robinson of Madison, Scott, Sherrod and Wood—18.

Those who voted in the negative were,

Messrs. Bradley, Caven, Church, Cravens, Denbo, Fisher, Gray, Henderson, Huffman, Kinley, Lasselle, Lee, Morgan, Reynolds, Robinson of Decatur, Stein, Turner and Wolcott—18.

There being a tie,

The President of the Senate gave the casting vote in the negative.

So the motion did not prevail.

Senate bill No. 49. "An act to authorize the City of Indianapolis to occupy as parks certain lands belonging to the State of Indiana."

Was read a second time.

Mr. Turner moved to indefinitely postpone the bill.

Mr. Scott offered the following amendment:

"But such possession and use shall not amount to, or ever be converted into a title to said city, but the possession may be at any time resumed by the State, and the State shall never be liable for any improvement upon the same by the city."

Mr. Kinley moved that the bill and amendments thereto lie upon the table.

Which motion prevailed.

Senate bill No. 92. An act to prescribe the duration of the terms of the Circuit Court in the counties of Jasper and Newton.

Was read a second time.

Mr. Stein moved to lay the bill on the table,

Which was agreed to.

Senate bill No. 93. An act to regulate the practice as to reading, making, and signing the record entries in the Circuit Courts and the Courts of Common Pleas, and to repeal all acts in conflict therewith.

Was read a second time, ordered to be engrossed, and passed to a third reading on to-morrow.

Senate bill No. 94. An act touching the consolidation of railroads, and declaring the effect of such consolidations.

Was read a second time.

Mr. Cravens moved to make it the special order for three o'clock P. M. of to-day.

Which was agreed to.

Senate bill No. 95. An act to amend section 303 of an act to revise, simplify, and abridge the rules, practice, pleadings, and forms in civil cases, in the Courts in this State; to abolish distinct forms of action at law, and to provide for the administration of justice and a uniform mode of pleadings and practice, without distinction between law and equity.

Was read a second time.

Mr. Bradley moved to amend by striking out the old section.

Which was agreed to.

The bill was then ordered to be engrossed for a third reading on to-morrow.

Senate bill No. 96. An act prohibiting Supreme, Circuit, or Common Pleas Judges, Clerks of the Circuit Court, Clerks of the Courts of Common Pleas, Auditors, Treasurers, Sheriffs and their deputies, from practicing law in any of the Courts of this State, except as in this act permitted, and prescribing punishment for the violation thereof.

Was read a second time.

Ordered to be engrossed, and passed to a third reading on to-morrow.

Mr. Gray moved to take up

Senate bill No. 85. An act to amend the 60th Section of an act entitled an act to repeal all general laws in force for the incorporation of cities, and to provide for the incorporation of cities, prescribing the powers and rights, and the manner in which they shall exercise the same, and to regulate such other matters as properly pertain thereto, approved March 14, 1867, and recommit it to the Committee on Corporations.

Which was agreed to.

Senate bill No. 98. A bill to provide for the assessment and collection of taxes for municipal purposes, on the shares of stock owned in banks or banking associations doing business in this State.

Was read a second time.

Ordered to be engrossed, and passed to a third reading on to-morrow.

Senate bill No. 110. An act to create the Twenty-fourth Judicial Circuit, providing for the appointment and election of a Judge and Prosecuting Attorney therein, and for their compensation, declaring the jurisdiction of the Courts in said Circuit, and providing for a transfer of actions thereto.

Was read a second time, and,

On motion by Mr. Cravens, was laid on the table.

Senate bill No. 119. A bill to fix the times of holding the Courts of Common Pleas in the various counties composing the Fourth Common Pleas Judicial District, providing for the return of process, repealing all acts in conflict with the provisions of this act, and declaring an emergency.

Was read a second time.

Ordered to be engrossed, and passed to a third reading on to-morrow.

On motion of Mr. Sherrod, the Senate adjourned.

WEDNESDAY, 2 O'CLOCK, P. M.

The Senate met.

PETITIONS, MEMORIALS AND REMONSTRANCES.

Mr. Kinley presented

A petition from sundry citizens of the State, recommending that the necessary steps be taken for the erection of a Prison for Women, and a Girl's Reformatory.

Which was referred to the Committee on Prisons.

REPORTS FROM STANDING COMMITTEES.

Mr. Gray, from the Committee on Corporations, submitted the following report :

MR. PRESIDENT :

The Committee on Corporations, to whom was referred Senate bill No. 53, entitled " An act to authorize co-operative societies to purchase or erect dwellings and other buildings," have had the same under consideration, and now report the same back to the Senate and recommend that the bill, with amendments proposed, lie on the table.

Which report was concurred in.

Mr. Gray, from the Committee on Corporations, made the following report :

MR. PRESIDENT :

The Committee on Corporations, to whom was referred Senate bill No. 109, entitled an act to amend section seven of " An act to provide compensation to the owners of animals killed or injured by the cars, locomotives or other carriages of any railroad company in this State, and to enforce the collection of judgments rendered on account of the same, and to repeal all laws inconsistent therewith," approved March 4, 1863, have had the same under consideration, and do now report the same back to the Senate and recommend that the bill be indefinitely postponed.

Which report was concurred in.

Mr. Gray, from the Committee on Corporations, made the following report :

MR. PRESIDENT :

The Committee on Corporations to whom was referred Senate bill No. 91, entitled an act to amend the second section of " An act to secure a just valuation and taxation of all railroads properly within this State, to legalize the valuation, assessment, adjustment and payment of taxes for such property made subsequent to the year 1859," approved Dec. 18, 1865, have had the same under con-

sideration, and do now report the same back to the Senate and recommend that the bill be laid upon the table. *

Which report was concurred in.

BILLS ON SECOND READING.

Senate bill No. 123. A bill to amend the 17th section of an act entitled "An act, providing for the organization of County Boards, &c.," approved June 17th, 1852.

Was read a second time.

Ordered to be engrossed, and passed to a third reading on tomorrow.

ORDERS OF THE DAY.

The following message from the House was taken up.

MR. PRESIDENT :

I am directed by the House of Representatives, to inform the Senate that the House has passed the accompanying concurrent resolution, concurring in the appointment of a Joint Committee to mature a plan for the erection of a monument to the memory of General Pleasant A. Hackleman, and that the Speaker has appointed on the part of the House, Messrs. Chittenden, Stewart of Rush, McBride and Johnson of Marshall.

On motion of Mr. Robinson, the resolution contained in the foregoing message was concurred in, and the President appointed, Messrs. Elliott, Fisher, Stein and Henderson, said Committee on the part of the Senate.

Ordered, That the Secretary inform the House thereof.

SPECIAL ORDER.

The report of the Joint Special Committee, to whom was referred Senate joint resolution No. 6, a joint resolution requesting our Representatives, and instructing our Senators in Congress, to use their influence to procure the passage of an act of Congress, instructing the Secretary of the Treasury to receive coupons of United States Bonds in payment of import duties, and permitting such coupons to be so received in advance of their becoming due.

Was taken up, and the recommendation therein contained, that joint resolution No. 6 lie upon the table.

Was concurred in.

Mr. Kinley offered the following resolution :

Resolved, By the Senate of the State of Indiana, that we hold these truths to be self evident, that all men are created equal; that they are endowed by their Creator with certain inalienable rights, that among these are life, liberty, and the pursuit of happiness; that to secure these rights Governments are instituted among men, deriving their just powers from the consent of the governed.

Mr. Carson offered the following amendment :

Amend by inserting after the word men, the words "without distinction of race or color."

Mr. Cravens moved to lay the amendment on the table.

The ayes and noes were demanded by Messrs. Carson, and Johnson of Montgomery.

Those who voted in the affirmative were,

Messrs. Beardsley, Bradley, Caven, Cravens, Elliott, Fisher, Hadley, Hamilton, Hanna, Hess, Hooper, Huey, Huffman, Hughes, Jaquess, Johnson of Montgomery, Kinley, Morgan, Reynolds, Robinson of Madison, Robinson of Decatur, Stein, Wolcott, and Wood—24.

Those who voted in the negative were,

Messrs. Bird, Carson, Church, Denbo, Gray, Henderson, Humphreys, Lasselle, Lee, Scott, Sherrod, and Turner—12.

So the amendment was laid on the table.

Mr. Hughes moved to amend by inserting the words "and women," after the words all men.

Messrs. Hughes and Carson demanded the ayes noes.

Those who voted in the affirmative were,

Messrs. Beardsley, Bird, Carson, Caven, Church, Cravens, Denbo, Elliott, Fisher, Gray, Green, Hadley, Hamilton, Henderson, Hooper, Huey, Huffman, Hughes, Humphreys, Johnson of Montgomery, Lasselle, Lee, Morgan, Reynolds, Robinson of Madison, Robinson of Decatur, Scott, Turner, and Wood—29.

Those who voted in the negative were,

Messrs. Bradley, Hess, Jaquess, Kinley, Sherrod, Stein, and Wolcott—7.

So the amendment was adopted.

Mr. Johnson of Montgomery, moved to lay the resolution upon the table.

The ayes and noes were demanded by Messrs. Church, and Johnson of Montgomery.

Those who voted in the affirmative were,

Messrs. Bird, Carson, Denbo, Fisher, Hanna, Henderson, Huey, Huffman, Humphreys, Johnson of Montgomery, Lee, Morgan, Robinson of Decatur, Sherrod, Turner, Wolcott and Wood.—17.

Those who voted in the negative were,

Messrs. Beardsley, Bradley, Caven, Church, Cravens, Elliott, Gray, Hadley, Hamilton, Hess, Hooper, Hughes, Jaquess, Kinley, Lasselle, Reynolds, Robinson of Madison, Scott and Stein.—19.

So the motion to lie upon the table did not prevail.

Mr. Kinley moved the previous question, which was seconded by the Senate.

The ayes and noes were demanded by Messrs. Sherrod and Andrews.

The question then recurring upon the adoption of the Resolution.

Those who voted in the affirmative were,

Messrs. Bradley, Carson, Caven, Church, Cravens, Elliott, Fisher, Gray, Green, Hadley, Hamilton, Hess, Hooper, Hughes, Jaquess, Kinley, Lasselle, Morgan, Reynolds, Robinson of Madison, Robinson of Decatur, Scott, Stein and Wood.—24.

Those who voted in the negative were,

Messrs. Bird, Denbo, Henderson, Huey, Huffinan, Humphreys, Johnson of Montgomery, Lee, Sherrod, Turner and Wolcott.—11.

So the Resolution was adopted.

Mr. Sherrod called up his concurrent resolutions.

WHEREAS, The powers not delegated to the United States by the Federal Constitution, nor prohibited by it to the States, are reserved to the States respectively, and to the people; and,

WHEREAS, The rights of the States to regulate the elective franchise within their respective limits, is one of the reserved rights which can not be taken from them without striking down one of the fundamental principles upon which our system of Government rests. Therefore,

Resolved, (the House of Representatives concurring) That our Senators in Congress be instructed, and our Representatives be requested, to pass an amendment to the Federal Constitution, by which this right is sought to be taken from the States and vested in the Federal Government.

Resolved, That an authenticated copy of these Resolutions be transmitted by the Governor to each of our Senators and Representatives in Congress.

Mr. Gray moved to lay the resolution on the table.

The ayes and noes were demanded by Messrs. Sherrod and Johnson of Montgomery.

Those who voted in the affirmative were,

Messrs. Beardsley, Caven, Church, Cravens, Elliott, Fisher, Gray, Hadley, Hamilton, Hess, Hooper, Jaquess, Reynolds, Robinson of Madison, Robinson of Decatur, Scott, Stein, Wolcott and Wood—19.

Those who voted in the negative were,

Messrs. Bird, Bradley, Carson, Denbo, Hanna, Henderson, Huey, Huffman, Hughes, Humphreys, Johnson of Montgomery, Kinley, Laselle, Lee, Morgan, Sherrod and Turner—17.

So the resolution was laid upon the table.

Mr. Jaquess presented sundry claims of Frank B. Allen, and papers connected therewith.

Which were referred to the Committee on Claims.

SPECIAL ORDER.

Senate bill No. 94. "A bill touching the consolidation of railroads, and declaring the effect of such consolidations," was taken up.

Mr. Scott offered the following amendment:

Provided, That railroads that have consolidated with other roads under existing laws, may have six months from the passage of this act in which such companies may resume and reorganize, under their special charters, all the rights and privileges granted and held by them under their special charters, and in accordance with the laws of this State, before such consolidation, and to sever their connection thus consolidated under existing laws.

Which was not agreed to.

Mr. Robinson of Decatur moved to postpone the further consideration of the bill until Tuesday next at half past two o'clock, P. M., and that it be made the special order for that hour, and that 200 copies of the bill be printed.

Which was agreed to.

Mr. Carson offered the following resolution:

Resolved, That the State Librarian be directed and authorized to furnish to the President of the Senate, each Senator, Secretary, Assistant Secretary, and Doorkeeper, the sum of seven dollars in postage stamps, and that the Senators, who desire the same, may draw postage stamps or stationery, as they may see proper, for the amount of stationery which they are authorized to draw by the former resolutions of the Senate.

Mr. Gray moved to lay the resolution upon the table.

Which motion was not agreed to.

The question being on the adoption of the resolution,

Messrs. Gray and Robinson of Decatur demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Bird, Bradley, Carson, Church, Elliott, Huey, Huffman,

Hughes, Jaquess, Kinley, Morgan, Reynolds, Robinson of Madison, Scott, Sherrod, Stein, and Wolcott—17.

Those who voted in the negative were,

Messrs. Beardsley, Caven, Cravens, Denbo, Fisher, Gray, Green, Hadley, Hamilton, Henderson, Hess, Hooper, Humphreys, Lasselle, Robinson of Decatur, and Wood—16.

So the resolution was adopted.

Mr. Caven asked and obtained leave of absence for Mr. Bellamy until Friday next, on account of sickness.

On motion of Mr. Stein, the Senate adjourned to meet to-morrow at 10 o'clock, A. M.

THURSDAY, February 4th, 1869 }
10 O'CLOCK, A. M. }

The Senate met.

On motion of Mr. Denbo, the reading of yesterday's journal was dispensed with.

REPORTS FROM STANDING COMMITTEES.

Mr. Jaques, from the Committee on Claims, made the following report :

MR. PRESIDENT :

The Committee on Claims, to whom was referred the claim of L. S. Newell, for \$95.15, for music furnished the pupils of the Institution for the Blind, have had the same under consideration, and have instructed me to report the same back to the Senate, and recommend that said Newell be allowed the sum of fifty dollars (\$50) for the use of music furnished by him.

Which report was concurred in.

Mr. Robinson, of Decatur, made the following report :

MR. PRESIDENT :

The Committee on Roads having had under consideration Senate bill No. 146, "An act authorizing turnpike companies to construct branch roads," have directed me to report the same back to the Senate, and recommend its passage.

Which report was concurred in.

Mr. Morgan, from the Committee on Finance, submitted the following report :

MR. PRESIDENT :

The Committee on Finance, to whom was referred joint resolution No. 8, appropriating ten thousand dollars, to be expended by the Governor for the purpose of detecting and bringing to punish-

ment the perpetrators of high crimes and offences lately perpetrated in this State, and also for the purpose of detecting and bringing to just punishment all such persons as may hereafter be guilty of like grave offences, and other matters properly connected therewith, have had the same under consideration, and have instructed me to report the same back and recommend its passage.

The question being on concurring in the report of the committee,

The ayes and noes were demanded by Messrs. Carson and Stein.

Those who voted in the affirmative were,

Messrs. Armstrong, Beardsley, Bradley, Carson, Caven, Cravens, Fisher, Gifford, Gray, Green, Hamilton, Hess, Hooper, Houghton, Hughes, Jaquess, Kinley, Morgan, Scott, Stein, and Wolcott—21.

Those who voted in the negative were,

Messrs. Bird, Denbo, Elliott, Hadley, Henderson, Huey, Huffman, Humphreys, Johnson of Montgomery, Lasselle, Lee, Reynolds, Robinson of Madison, Robinson of Decatur, Sherrod, Smith, Taggart, and Wood—18.

So the report of the committee was concurred in.

Mr. Church offered the following amendment :

Provided, That the State shall be reimbursed for all money so used from the treasuries of the counties in which such crime is committed.

Mr. Johnson, of Montgomery, offered the following amendment to the amendment :

Provided, The reward shall not be offered by the Governor until called for by the Board of County Commissioners of the county where the crime may have been committed.

Mr. Green moved the previous question, which was seconded by the Senate.

The question being on the adoption of the amendment to the amendment, offered by Mr. Johnson, of Montgomery.

The ayes and noes were demanded by Messrs. Carson and Lasselle.

Those who voted in the affirmative were,

Messrs. Bird, Bradley, Church, Denbo, Gifford, Gray, Hadley, Hanna, Henderson, Huey, Huffman, Humphreys, Johnson of Spencer, Johnson of Montgomery, Lee, Robinson of Madison, Robison of Decatur, Sherrod, Smith, Taggart, Turner and Wood.—22.

Those who voted in the negative were,

Messrs. Armstong, Beardly, Carson, Caven, Cravens, Elliott, Fisher, Green, Hamilton, Hess, Hooper, Houghton, Hughes, Jaquess, Kinley, Lasselle, Morgan, Reynolds, Scott, Stein and Wolcott.—21.

So the amendment to the amendment was adopted.

The question recurring upon the amendment of Mr. Church as amended.

The ayes and noes were demanded by Messrs. Johnson and Fisher.

Those who voted in the affirmative were,

Messrs. Bird, Church, Denbo, Gray, Hadley, Hanna, Henderson, Huey, Huffman, Humphreys, Johnson of Montgomery, Lee, Robinson of Madison, Robinson of Decatur, Sherrod, Smith, Taggart, Turner and Wood—19.

Those who voted in the negative were,

Messrs. Armstrong, Beardsley, Bradley, Carson, Caven, Cravens, Elliott, Fisher, Gifford, Green, Hamilton, Hess, Hooper, Houghton, Hughes, Jaquess, Johnson of Spencer, Kinley, Lasselle, Morgan, Reynolds, Scott, Stein and Wolcott—24.

So the amendment was not adopted.

The question recurring upon the adoption of the resolution.

The ayes and noes were demanded by Messrs. Church and Carson.

Those who voted in the affirmative were,

Messrs. Armstrong, Beardsley, Bradley, Carson, Caven, Cravens, Elliott, Fisher, Gifford, Gray, Green, Hamilton, Hess, Hooper, Houghton, Hughes, Jaquess, Kinley, Morgan, Reynolds, Scott, Stein and Wolcott—23.

Those who voted in the negative were,

Messrs. Bird, Church, Denbo, Hadley, Hanna, Henderson, Huey, Humphrey, Johnson of Spencer, Johnson of Montgomery, Lasselle, Lee, Robinson of Madison, Robinson of Decatur, Sherrod, Smith, Taggart, Turner and Wood—20.

So the joint resolution did not pass, for want of a Constitutional majority.

On motion by Mr. Hadley, Mr. Hess was added to the Special Committee appointed to inquire into the proposition to locate the Agricultural College at Greenfield.

On motion by Mr. Green, the Senate adjourned.

THURSDAY, 2 O'CLOCK, P. M.

Senate met.

BILLS INTRODUCED.

Mr. Hooper introduced

Senate bill No. 175. An act defining who shall be competent witnesses in any court or judicial proceeding in this State, and to repeal all laws in conflict with the provisions of this act.

Which was referred to the Committee on the Judiciary.

Mr. Humphreys introduced

Senate bill No. 176. An act to amend section ten of an act entitled an act regulating fees of officers, and repealing former acts in relation thereto, approved March 2d, 1855.

Which was read a first time, and referred to Special Committee on Fees and Salaries.

Mr. Reynolds introduced

Senate bill No. 177. A bill to prohibit the clerk of the Circuit and other courts from taking and certifying the declaration of intention of any alien to become a citizen of the United States except as therein prescribed.

Was read a first time, and referred to the Committee on the Judiciary.

Mr. Robinson of Madison introduced

Senate bill No. 178. An act to declare what counties shall constitute the first Judicial Circuit, creating the ——— and ——— Judicial Circuits, providing for return of process, &c., thereof, for the appointment and election of judges and prosecuting attorneys thereof, repealing certain laws and declaring an emergency.

Which was referred to the Committee on the Organization of Courts.

Mr. Lee introduced

Senate bill No. 179. An act to amend section one of "An act fixing the times of holding Circuit Courts in the several counties of this State," approved June 18, 1852.

Mr. Hughes moved to suspend the rules, and that the bill be read a second and third times now.

The ayes and noes were taken under the Constitution.

Those who voted in the affirmative were,

Messrs. Armstrong, Beardsley, Bird, Bradley, Carson, Denbo, Fisher, Fifford, Green, Hadley, Hamilton, Hanna, Henderson, Hess, Hooper, Houghton, Huey, Huffinan, Hughes, Jaquess, Johnson of Spencer, Johnson of Montgomery, Kinley, Lasselle, Lee, Morgan,

S. J.—19.

Reynolds, Robinson of Madison, Robinson of Decatur, Scott, Smith, Taggart, Wolcott and Wood—34.

No Senator voting in the negative.

So the rules were suspended, and the bill read a second and third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Armstrong, Beardsley, Bird, Bradley, Carson, Church, Denbo, Fisher, Gifford, Gray, Green, Hadley, Hamilton, Hanna, Henderson, Hess, Houghton, Huey, Huffman, Hughes, Jaquess, Johnson of Speneer, Johnson of Montgomery, Kinley, Lasselle, Lee, Morgan, Reynolds, Robinson of Madison, Robinson of Decatur, Scott, Sherrod, Smith, Stein, Taggart, Wolcott and Wood—37.

No Senator voting in the negative.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

SPECIAL ORDER.

Senate bill No. 55. "An act creating the 23d Judicial Circuit, and providing for the election of a Judge and Prosecuting Attorney, and providing compensation therefor, declaring the jurisdiction of said court, and providing for the transfer of actions thereto."

Which was made the special order for this hour, was taken up and read a third time.

By unanimous consent of the Senate, Mr. Hanna offered the following amendment:

Amend by adding at the end of section one: "*Provided*, That the salary of the Judge and Presecutor of said court shall be paid out of the county treasury of said county of Vigo," and moved to recommit the bill to the Committee on the Organization of Courts, with instructions to amend as above.

Mr. Scott, by unanimous consent of the Senate, moved to amend

said bill by striking the word "Prosecutor" therefrom wherever it occurs.

Which was agreed to.

Mr. Hanna, by unanimous consent, withdrew his amendment thereto, and motion to recommit with instructions.

Mr. Hughes offered the following amendment :

Move to amend by instructing Committee to report a bill reducing the ratio of voting population necessary to authorize a criminal court.

Which was adopted.

Mr. Cravens moved to amend the instructions to reduce the ratio of the voting population necessary to the organization of such courts from 7,000 to 4,500.

Which was adopted.

So the motion to recommit was agreed to.

Mr. Carson introduced

Senate bill No. 180. "An act to authorize Judges of Courts of Common Pleas to appoint Judges to hold adjourned terms, and providing for compensation for the same."

Mr. Carson moved that the rules be suspended, and that the bill be read a second and third times now.

The ayes and noes were taken under the Constitution.

Those who voted in the affirmative were,

Messrs. Beardsley, Bird, Bradley, Carson, Caven, Church, Cravens, Denbo, Elliott, Fisher, Gifford, Gray, Green, Hadley, Hamilton, Henderson, Hess, Hooper, Houghton, Huey, Huffman, Hughes, Humphreys, Jaquess, Johnson of Spencer, Johnson of Montgomery, Kinley, Morgan, Reynolds, Robinson of Madison, Robinson of Decatur, Scott, Sherrod, Smith, Stein, Taggart, Turner, Wolcott, and Wood—39.

Those who voted in the negative were,

Messrs. Armstrong and Hanna—2.

So the rules were suspended, and the bill read a third time,

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Bird, Bradley, Carson, Caven, Church, Elliott, Fisher, Green, Hadley, Hamilton, Hess, Hooper, Huey, Hughes, Jaquess, Kinley, Lasselle, Morgan, Reynolds, Robinson of Madison, Robinson of Decatur, Scott, Stein, Wolcott, and Wood—25.

Those who voted in the negative were,

Messrs. Armstrong, Cravens, Denbo, Gifford, Hanna, Henderson, Houghton, Humphreys, Johnson of Montgomery, Lee, Sherrod, Smith, Taggart, and Turner—14.

So the bill failed for the want of a constitutional majority.

By unanimous consent of the Senate, Mr. Henderson presented a remonstrance from sundry citizens of Monroe county, remonstrating against the allowance of a claim that has been introduced into the Senate for the paying of James Morris, Isaac Reed, George W. Denson and James Sanders, for services whilst they were confined in the State Prison at Jeffersonville.

Which was referred to the Committee on Claims.

Mr. Robinson of Madison, by consent of the Senate introduced

Senate bill No. 181. An act to amend section 343 of an act entitled, an act to revise, simplify and abridge the rules, practice, pleadings and forms, in the civil cases in the Courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity, and to declare an emergency.

Which was referred to the Committee on the Organization of Courts.

BILLS ON SECOND READING.

Senate bill No. 90. An act to amend the thirty-fourth subdivision of section 53 of an act, entitled an act to repeal all general laws now in force for the incorporation of cities.

Which was read a second time, ordered to be engrossed, and passed to a third reading on to-morrow.

Senate bill No. 144. "An act to prevent the introduction and spread, in this State, of the Texas or Spanish cattle fever, and declaring the bringing of Texas or Cherokee cattle into this State, or the purchasing of the same at certain seasons of the year, a misdemeanor, and prescribing the penalty therefor."

Which was read a second time.

Mr. Houghton moved that the rules be suspended, and that the bill be read a third time now.

The ayes and noes were taken under the Constitution.

Those who voted in the affirmative were,

Messrs. Armstrong, Beardsley, Bird, Bradley, Carson, Caven, Church, Cravens, Denbo, Elliott, Fisher, Gifford, Gray, Green, Hadley, Hamilton, Hanna, Henderson, Hess, Hooper, Houghton, Huey, Huffman, Hughes, Humphreys, Jaquess, Johnson of Spencer, Johnson of Montgomery, Kinley, Lasselle, Lee, Morgan, Reynolds, Robinson of Madison, Robinson of Decatur, Scott, Sherrod, Smith, Stein, Taggart, Turner, Wolecott, and Wood—43.

No Senator voting in the negative.

So the rules were suspended, and the bill read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Armstrong, Beardsley, Bird, Bradley, Carson, Caven, Church, Cravens, Denbo, Elliott, Fisher, Gifford, Gray, Green, Hadley, Hamilton, Hanna, Henderson, Hess, Hooper, Houghton, Huey, Huffman, Hughes, Humphreys, Jaquess, Johnson of Spencer, Johnson of Montgomery, Kinley, Lasselle, Lee, Morgan, Reynolds, Robinson of Madison, Robinson of Decatur, Scott, Sherrod, Smith, Stein, Taggart, Turner, Wolecott, and Wood—43.

No Senator voting in the negative.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

Senate bill No. 145. An act to prevent the introduction and spread of a cattle disease commonly known as Texas or Spanish Fever, by

the importation of cattle into the State of Indiana infected with or liable to impart to other cattle, said disease, and providing for the recovery of damages caused by the introduction of such diseased cattle, from the owners of such cattle.

Mr. Wolcott moved that the rules be suspended, and the bill be read a second and third times now.

The ayes and noes were taken under the Constitution.

Those who voted in the affirmative were,

Messrs. Armstrong, Beardsley, Bird, Carson, Caven, Church, Cravens, Elliott, Fisher, Gifford, Gray, Green, Hadley, Hamilton, Henderson, Hess, Hooper, Houghton, Huey, Huffman, Hughes, Humphreys, Jaquess, Johnson of Spencer, Johnson of Montgomery, Kinley, Lasselle, Lee, Morgan, Reynolds, Robinson of Madison, Robinson of Decatur, Scott, Sherrod, Smith, Stein, Taggart, Turner, Wolcott and Wood.—41.

No Senator voting in the negative.

So the rules were suspended, and the bill read a third time.

The question being shall the bill pass?

Those who voted in the affirmative were,

Messrs. Armstrong, Beardsley, Bird, Bradley, Carson, Caven, Church, Cravens, Denbo, Elliott, Fisher, Gifford, Gray, Green, Hadley, Hamilton, Hanna, Henderson, Hess, Hooper, Houghton, Huey, Huffman, Hughes, Humphreys, Jaquess, Johnson of Spencer, Johnson of Montgomery, Kinley, Lasselle, Lee, Morgan, Reynolds, Robinson of Madison, Scott, Sherrod, Smith, Stein, Taggart, Turner, Wolcott and Wood.—41.

No Senator voting in the negative.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

Mr. Hughes introduced

Senate Joint Resolution No. 11, providing for the closing of the Soldier's Home at Knightstown, and authorizing the sale thereof by the Governor.

Which was read and referred to the Military Committee.

Mr. Kinley asked that Mr. Hess be added to the Committee on Temperance.

Which was agreed to.

On motion of Mr. Gifford, Mr. Morgan was added to the Committee on Medical Jurisprudence.

Which was agreed to.

Leave of absence was granted Mr. Carson until Monday next.

Leave of absence was granted Mr. Robinson of Madison, on to-morrow.

HOUSE BILLS ON SECOND READING.

House bill No. 7. An act to authorize foreign guardians to take possession of, sue for, or receipt for any personal property or assets of their wards in this State.

Was read a second time, and passed to a third reading on to-morrow.

HOUSE BILLS ON THIRD READING.

House bill No. 10. A bill in relation to the settlement of decedents' estates.

Was read a third time.

The question being shall the bill pass?

Those who voted in the affirmative were,

Messrs. Armstrong, Beardsley, Bradley, Carson, Caven, Church Cravens, Elliott, Fisher, Gifford, Green, Hadley, Hamilton, Hanna, Hess, Hooper, Humphreys, Johnson of Montgomery, Kinley, Morgan, Reynolds, Robinson of Madison, Scott, Smith, Stein, Wolcott and Wood—27.

Those who voted in the negative were,

Messrs. Bird, Denbo, Henderson, Houghton, Huey, Huffinan, Hughes, Jaquess, Johnson of Spencer, Lee, Robinson of Decatur and Turner.—12.

So the bill passed.

Ordered, That the Secretary informs the House thereof.

Engrossed Senate bill No. 73. An act to amend an act entitled an act to amend section 352 of an act to revise, simplify, and abridge the rules, practice, pleadings, and forms in civil cases in the Courts of this State; to abolish distinct forms of action at law, and to provide for the administration of justice without distinction between law and equity; approved March 9th, 1861.

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Armstrong, Beardsley, Bradley, Carson, Church, Cravens, Denbo, Fisher, Gifford, Green, Hadley, Hamilton, Hanna, Henderson, Hooper, Houghton, Huey, Humphreys, Huffman, Hughes, Johnson of Montgomery, Kinley, Lee, Morgan, Reynolds, Scott, Sherrod, Smith, Stein, Turner, Wolcott and Wood—32.

Those who voted in the negative were,

Messrs. Bird, Caven, Elliott, Jaquess, Johnson of Spencer, Robinson of Madison, and Robinson of Decatur—7.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

Engrossed Senate bill No. 5. An act to amend the first section of "an act to declare abandoned certain unfinished railroads, and to provide for their completion; to declare forfeited the franchises of certain railroad companies, and for the assessment of the value thereof; for the organization of new companies, and for making annual settlements," approved March 11th, 1867; and the failure of any company to have formed the preliminary organization contemplated by the first section of the act entitled an act to provide for the organization of railroad companies, approved May 4th, 1852, shall not invalidate such organization, if otherwise in conformity with the same.

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Armstrong, Beardsley, Bradley, Carson, Caven, Church, Elliott, Fisher, Gifford, Hadley, Hamilton, Hanna, Hooper, Huey, Huffman, Hughes, Humphreys, Jaquess, Johnson of Spencer, Lee, Morgan, Reynolds, Robinson of Madison, Robinson of Decatur, Stein and Wood—26.

Those who voted in the negative were,

Messrs. Bird, Cravens, Denbo, Green, Henderson, Johnson of Montgomery, Kinley, Scott, Smith, Turner and Wolcott—11.

So the bill passed.

Ordered; That the Secretary inform the House thereof.

Engrossed Senate bill No. 24. "An act to amend section 78 of an act entitled an act to revise, simplify, and abridge the rules, practice, pleadings and forms in criminal actions in the Courts of this State, approved June 17th, 1852.

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Armstrong, Caven, Hess, Jaquess, Johnson of Spencer, Johnson of Montgomery, Kinley, Reynolds, Robinson of Madison, Robinson of Decatur, and Scott—11.

Those who voted in the negative were,

Messrs. Beardsley, Bird, Bradley, Carson, Church, Cravens, Denbo, Elliott, Fisher, Gifford, Green, Hadley, Hamilton, Henderson, Hooper, Houghton, Huey, Huffman, Hughes, Humphreys, Lasselle, Lee, Morgan, Smith, Stein, Turner, Wolcott and Wood—28.

So the bill did not pass.

Engrossed Senate bill No. 48. An act providing for the protection of the banks of water-courses, by securing the bushes growing along said banks from the ravages of stocks.

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Armstrong, Beardsley, Bird, Bradley, Carson, Caven, Church, Cravens, Denbo, Elliott, Fisher, Gifford, Green, Hadley, Hamilton, Henderson, Hess, Hooper, Houghton, Huey, Huffman, Humphreys, Jaquess, Johnson of Montgomery, Kinley, Lasselle, Morgan, Reynolds Robinson of Decatur, Smith, Stein, Wolcott and Wood—35.

Those who voted in the negative were,

Messrs. Hughes, Johnson of Spencer, Lee and Scott—4.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

Senate bill No. 59. "An act regulating change of venue, continuances, the subpoenaing, and compelling attendance of witnesses, and the order of argument in criminal cases, and providing for the repeal of all laws in conflict therewith."

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Armstrong, Caven, Denbo, Elliott, Fisher, Gifford, Hamilton, Hess, Houghton, Huey, Huffman, Jaquess, Johnson of Spencer, Kinley, Reynolds, Robinson of Madison, Robinson of Decatur, Scott, Smith, Stein and Wood—21.

Those who voted in the negative were,

Messrs. Beardsley, Bird, Bradley, Carson, Church, Cravens, Green, Henderson, Hooper, Hughes, Humphreys, Johnson of Montgomery, Lasselle, Lee, Morgan, Turner and Wolcott—17.

So the bill failed for want of a constitutional majority.

Engrossed Senate bill No. 77. An act to amend the 53d section of an act entitled "An act for the incorporation of towns, defining their powers, providing for the election of officers thereof, and defining their duties," approved June 11th, 1852.

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Armstrong, Beardsley, Bird, Bradley, Carson, Caven, Church, Cravens, Denbo, Elliott, Fisher, Gifford, Green, Hamilton, Henderson, Hess, Hooper, Houghton, Huey, Huffman, Hughes, Humphreys, Jacques, Johnson of Spencer, Johnson of Montgomery, Kinley, Lassel, Lee, Morgan, Robinson of Madison, Robinson of Decatur, Scott, Smith, Turner, Wolcott and Wood—38.

No Senator voting in the negative.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

By unanimous consent of the Senate, Mr. Reynolds introduced Senate bill No. 182, "A bill to provide for a Reformatory Institution for girls and women."

Which was read a first time, and on motion of Mr. Reynolds, was laid upon the table, and 200 copies ordered to be printed.

Which was agreed to.

By unanimous consent of the Senate, Mr. Lassel introduced Senate bill No. 183, "An act to prohibit, and punish associations not authorized by law."

Which was read a first time, and referred to the Committee on the Judiciary.

On motion of Mr. Reynolds, the Senate adjourned till to-morrow morning at 10 o'clock, A. M.

FRIDAY MORNING, 10 o'clock, }
February 5, 1869. }

The Senate met.

The Journal of yesterday was read, when,

On motion by Mr. Gifford, the further reading thereof was dispensed with.

Mr. Hooper moved to reconsider the vote on the passage of Senate bill No. 5.

Which was agreed to.

Mr. Cravens moved to recommit the bill, with the following instructions, to the Committee on Corporations :

Recommit with instructions to amend section one, last proviso thereof, by striking out the word "two" (years) and insert "eight" (years).

Which was agreed to.

Mr. Caven moved to take Senate bill No. 107 from the table and recommit it to the Committee on Education.

Which was agreed to.

Mr. Wolcott moved to suspend the rules and take up bills on third reading.

Which was not agreed to.

PETITIONS, MEMORIALS AND REMONSTRANCES.

Mr. Kinley presented a petition from sundry citizens of Wayne county, asking the repeal of all laws legalizing the traffic in intoxicating liquors, and pass one prohibiting the sale of the same as a beverage.

Which was referred to the Committee on Temperance.

Mr. Gray presented a petition from sundry citizens of Randolph county, asking for a prohibitory liquor law.

Which was referred to the Committee on Temperance.

Mr. Hooper presented a petition of sundry citizens of the State, asking that the necessary steps be taken for the erection of a prison for women, and a girls' reformatory.

Which was referred to the Committee on Prisons.

Mr. Hanna presented the petition of sundry citizens of Clay county, Indiana, asking for such legislation as will enable them to relocate their county seat.

Which was referred to the Committee on County and Township Business.

REPORTS OF STANDING COMMITTEES.

Mr. Gray, from the Finance Committee, made the following report :

MR. PRESIDENT :

The Committee on Finance, to whom was referred the report of the Board of State Sinking Fund Commissioners have had the same under consideration, and have directed me to report the same approved, and recommend that three hundred copies of said report be printed.

Which report was concurred in.

Mr. Scott, from the Committee on the Judiciary, made the following report :

MR. PRESIDENT :

The Judiciary Committee, to whom was referred Senate bill No. 114, introduced by Senator Caven, entitled "An act to amend section 19 of an act regulating the fees of officers, and repealing former acts in relation thereto, report they have had the same under consideration, and respectfully recommend the passage of said bill.

Which report was concurred in.

Mr. Stein, from the Committee on the Judiciary, submitted the following report :

MR. PRESIDENT :

The Judiciary Committee, to whom was referred Senate bill No.

135, A bill to amend the second section of an act entitled "An act providing for the redemption of real property, or any interest therein, sold on execution or order of sale," providing for the issuing of certificates of purchase in such cases, and for the execution of conveyances, and repealing all laws in conflict therewith, report that they have had the same under consideration, and respectfully recommend the passage of said bill.

Which report was concurred in.

Mr. Armstrong, from the Committee on Roads, made the following report :

MR. PRESIDENT :

The Committee on Roads, to whom was referred Senate bill No. 34, concerning the laying out of highways across railroad, have had the same under consideration, and have directed me to report the same back and recommend that it lie on the table.

Which report was concurred in.

Mr. Johnson, of Montgomery, from the Committee on Agriculture, made the following report :

MR. PRESIDENT :

The Committee on Agriculture, to whom was referred Senate bill No. 152, An act to amend section 2 of an act to provide for the protection of wild game, and defining the time in which the same may be taken or killed, and declaring the penalty for the violation of this act, and repealing all laws inconsistent herewith, approved March 11, 1867, have had the same under consideration, and have directed me to report the same back with the following amendments: Amend the first section by adding after the word netted, the following: *Provided*, however, that it shall not be lawful for any person or persons to net quails, except upon their own land, without the consent of the owner of the land upon which they net. With this amendment they recommend the passage of the bill.

Which report was concurred in, and the amendments therein contained were adopted.

Mr. Hadley, from the Committee on Public Printing, submitted the following report:

MR. PRESIDENT :

The Committee on Public Printing, to whom was referred Senate bill No. 158, "An act to provide for the public printing, regulating the price to be paid therefor, fixing the time and mode of electing State Printer, defining his duties, fixing compensation, and repealing all laws coming in conflict with this act," have had the same under consideration, and have directed me to report it back to the Senate with the following amendment, viz: Strike out all after the word "*duties*," in line 5, section 7, to and including the word "act," in line 12 of said section, and insert the following: "Take and subscribe an oath for the faithful discharge of the duties required of him by this act, and hold his office for the term of two years, unless sooner removed by the officers appointing him." Upon the adoption of this amendment the committee recommend the passage of the bill, which report was concurred in, and the amendments therein contained were adopted.

On motion of Mr. Hooper

Two hundred copies of the bill were ordered to be printed, and that the consideration of the bill be made the special order for Wednesday next, at half-past two o'clock P. M.

Which was agreed to.

Mr. Lasselle, from the Committee on Public Printing, to whom was referred Senate bill No. 33, entitled "An act requiring certain officers of the State to make reports, and providing for the publication thereof," have had the same under consideration, and have directed me to report that the expenditures of the public monies contemplated is unnecessary, and recommend that the same do lie upon the table.

Which report was concurred in.

Mr. Gifford, from the Committee on County and Township Business, made the following report :

MR. PRESIDENT :

The Committee on County and Township Business, to whom was referred Senate bill No. 121, entitled an act to amend section 172 of an act entitled an act to provide for the valuation and assessment of the real and personal property and the collection of taxes in the State

of Indiana, for the election of Township Assessors, and prescribing the duties of assessors, appraisers of real property, County Treasurers and Auditor of State, approved June 21st, 1862, have had the same under consideration, and have directed me to return the bill and recommend that it lie on the table.

Which report was concurred in.

Mr. Johnson of Montgomery, from the Committee on County and Township Business, made the following report :

MR. PRESIDENT :

The Committee on County and Township Business, to whom was referred Senate bill No. 133, amendatory of the act touching the removal and re-location of county seats, and a petition upon the same subject, have had the same under consideration, and direct me to report the bill back with the following amendments, to-wit: First, strike out the words "which reads as follows," where the same first occur in section one. Second, strike out all of section one which is recapitulated. Third, strike out the words "a majority," and insert "fifty-five per cent." Fourth, strike out of section two the words "which reads as follows." Fifth, strike out of section two the recapitulated section three, and when so amended, the Committee recommend its passage.

Which report was concurred in, and the amendments therein contained were adopted.

Mr. Jaquess, from the Committee on County and Township Business, made the following report :

MR. PRESIDENT :

The Committee on County and Township Business, to whom was referred Senate bill No. 153, entitled an act to amend an act entitled an act providing for the election or appointment of Supervisors of Highways, etc., have had the same under consideration, and recommend that it lie on the table.

Which report was concurred in.

Mr. Denbo, from the Committee on County and Township Business, made the following report :

MR. PRESIDENT :

The Committee on County and Township Business, to whom was referred Senate bill No. 165, an act to authorize Boards of County Commissioners to relieve sureties on official bonds of county officers, on petition of a majority of the voters of the county, have had the same under consideration, and I am instructed to report the same back and recommend its passage.

Which report was concurred in.

Mr. Jaquess, from the Committee on County and Township Business, made the following report :

MR. PRESIDENT :

The Committee on County and Township Business, to whom was referred Senate bill No. 142, an act to revise and amend section five of the County Surveyor act, have had the same under consideration, and report to amend by inserting "\$1.50," instead of "\$2" per day.

Which report was concurred in, and the amendments therein contained were adopted.

Mr. Caven, from the Judiciary Committee, made the following report:

MR. PRESIDENT :

The Judiciary Committee, to whom was referred Senate bill No. 69, introduced by Senator Green, entitled "an act to amend Sec. 455 of an act entitled an act to revise, simplify, and abridge the rules, practice, pleadings and forms of actions at law, and to provide for the administration of Justice in a uniform mode of pleading and practice, without distinction between law and equity, report that they have had the same under consideration, and respectfully recommend that said bill lie upon the table.

Which report was concurred in.

By consent of the Senate, Mr. Kinley, from the Select Committee, made the following report:

MR. PRESIDENT :

The Committee, to whom was referred Senate bill, No. 36, "an act prohibiting the retail of intoxicating liquors to be used as a
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beverage, and repealing all conflicting laws," have had the same under consideration, and have instructed me to report it back to the Senate with the following amendments:

1. Amend the title by adding the words "and declaring an emergency."

2. Amend Section 2, by striking out the words "barter or give away."

3. Amend Section 3, by striking out the word "ten" where it occurs, and inserting "five."

When the bill has been so amended the Committee recommend its passage.

Which report was concurred in, and the amendments therein contained were adopted.

Mr. Jaquess, from the Committee on Claims, submitted the following report:

MR. PRESIDENT:

The Committee, to whom was referred the claim of James Morris, Isaac Reid, G. W. Dennison and James C. Saunders, for service rendered the State in the Southern Penitentiary, have had the same under consideration, and report the same back to the Senate, and recommend that it lie on the table.

Which report was concurred in.

Mr. Bradley, from the Committee on Claims, made the following report:

MR. PRESIDENT:

The Committee on Claims, to whom was referred the claim of Judge E. Powell, late of the Insane Hospital and the City Hospital, have had the same under consideration, and have instructed me to report the same back to the Senate, and to recommend that it lie on the table.

Which report was concurred in.

REPORTS FROM SELECT COMMITTEES.

Mr. Green, from the Select Committee on Public Printing, made the following report:

MR. PRESIDENT :

We beg leave to report that the Committee, as first constituted, was unable to act at an early day, on account of sickness and the absence of members, and, in the meantime, a Committee, of the House raised for a like purpose, we were informed, had examined many witnesses in the premises. That Committee, upon our request, kindly permitted us to examine the evidence by them taken, and which had been reduced to writing, and the conclusion which they had arrived at in their report, after carefully examining the evidence thus produced, and no further evidence being produced to us, we concur in the conclusion arrived at by that Committee, as to the correctness of the accounts of said officers as audited by the Auditor of State.

Which report was concurred in.

Mr. Armstrong, from a Select Committee on Employees, made the following report :

MR. PRESIDENT :

There being required for the care of the Committee Rooms, one additional Assistant Doorkeeper, the Committee appointed to report upon the number of Employees of the Senate and their duties, would respectfully recommend that the Doorkeeper be authorized to appoint one additional Assistant.

Which report was concurred in.

Mr. Fisher moved to reconsider the vote by which the report on Senate bill No. 33 was concurred in.

Which was agreed to.

On motion by Mr. Fisher, the bill was recommitted to the Committee on Public Printing.

Mr. Hughes offered the following resolution :

Resolved, That the House concurring, the Senate will to-day go into a Joint Convention at half-past two o'clock, to elect a State Printer and other officers.

Which was adopted.

Mr. Hughes offered the following resolution :

WHEREAS, A bill providing for an appropriation of over four hundred thousand dollars (\$400,000), in payment of the Morgan Raid Claims, being the amount adjudicated by the Commission appointed under the authority of the Legislature, has been introduced and referred to the Committee on Expenditures.

AND WHEREAS, The proper examination of said subject requires a review of said adjudicated claims and the evidence in relation thereto.

AND WHEREAS, William F. Browning, the late clerk of said Morgan Raid Commission, a highly worthy and competent person is so familiar with the records and papers of said commission as to render his services highly important and useful in the examinations necessary to be made,

Resolved, That the Committee on Expenditures be, and they hereby are, authorized and empowered to employ said William F. Browning as a clerk to said committee during the examination of said matters, at the usual rate of compensation, provided his services can be obtained.

Which was adopted.

Mr. Hanna asked and obtained leave of absence for Mr. Johnson of Montgomery till Monday next.

Mr. Sherrod asked and obtained leave of absence for Mr. Hughes for the remainder of the session.

Mr. Stein asked and obtained leave of absence for Mr. Lee until Monday next.

BILLS INTRODUCED.

Mr. Cravens introduced

Senate bill No. 184. An act to amend the 19th section of an act approved June 10, 1852, entitled "An act defining felonies and prescribing punishment therefor."

Which was read a first time, and referred to the Committee on the Judiciary.

Mr. Denbo introduced

Senate bill No. 185. An act to amend section 49 of an act enti-

tled "An act regulating general elections and prescribing the duties of officers in relation thereto.

Which was read a first time, and referred to the Committee on County and Township Business.

Mr. Sherrod introduced

Senate bill No. 186. An act to establish a Court of Common Pleas in each county in the State, defining the jurisdiction thereof, and the duties of, and providing for the compensation of the judges thereof.

On motion by Mr. Sherrod, two hundred copies were ordered to be printed, and the bill referred to the Committee on the Organization of Courts.

Mr. Cravens introduced

Senate bill No. 187. A bill to revise and amend an act entitled an act in relation to the taxation of lands in towns and cities, approved June 18th, 1852.

Which was referred to the Committee on County and Township Business.

Mr. Scott introduced

Senate bill No. 188. An act to provide for the sale of certain lands belonging to the State of Indiana, in the County of Clay.

Which was read a first time, and referred to the Committee on County and Township Business.

Mr. Wood introduced

Senate bill No. 189. An act to amend section 18, of an act entitled an act to provide for the registry of voters, and to declare their residence, and to punish fraudulent practices touching elections, and defining the duties of certain officers therein named, and the form of the ballots, and providing compensation for the services of such officers

Which was referred to the Committee on Elections.

Mr. Elliott introduced

Senate bill No 190. A bill to authorize the people of the several townships of the several counties, to prohibit the retailing of spirituous liquors.

Which was read a first time, and referred to the Committee on Temperance.

Mr. Hadley introduced

Senate bill No. 191. An act enabling cities or towns to build improve and keep in repair, roads leading to cemeteries, owned or used by inhabitants of cities or towns, owned by a city or town, and to annex such road to such city or town, and defining the duties of certain officers.

Which was read a first time, and referred to the Committee on County and Township Business.

Mr. Gray introduced

Senate bill No. 192. An act to amend section 15, of an act entitled an act regulating General Elections and prescribing duties of officers in relation thereto, approved March 11, 1867.

Which was read a first time.

Mr. Gray moved that rules be suspended, the bill considered engrossed, and read a second and third times now.

The ayes and noes were taken under the Constitution.

Those who voted in the affirmative were,

Messrs. Andrews, Beardsley, Bird, Caven, Church, Colley, Gravens, Denbo, Elliott, Fisher, Gifford, Gray, Green, Hadley, Hanna, Henderson, Hooper, Houghton, Huey, Huffman, Hughes, Humphreys, Jaquess, Morgan, Reynolds, Robinson of Decatur, Scott, Smith, Turner and Walcott—30.

Those who voted in the negative were,

Messrs. Armstrong, Hamilton, Hess, Kinley, Lasselle, Rice, Sherrod, Stein and Wood—9.

So the rules were not suspended.

On motion of Mr. Wood, the bill was referred to the Committee on Elections.

Mr. Elliott introduced

Senate bill No. 193. An act to amend section 1 and section 10 of an act entitled an act to provide for the registry of voters, and to declare their residence, and to punish fraudulent practices touching elections, and defining the duties of certain officers therein named, and the form of the ballots, and providing compensation for the services of such officers, approved March 11, 1867.

Which was read a first time, and referred to the Committee on Elections.

Mr. Stein introduced

Senate bill No. 194. An act to make an appropriation for the payment to the Sinking Fund of money advanced to pay the expense of the erection of the building for the use of the Supreme Court and officers of State.

Which was read a first time, and referred to the Committee on Finance.

Mr. Henderson introduced

Senate bill No. 195. An act to amend the 17th section of an act to repeal all general laws now in force for the incorporation of cities, prescribing their powers and rights, and the manner in which they shall exercise the same, and to regulate such other matters as properly pertain thereto, approved March 14, 1867.

Which was read a first time, and referred to the Committee on Corporations.

Mr. Caven introduced

Senate bill No. 196. An act defining the crimes of grand and petit larceny, and prescribing punishment therefor, and repealing sections 19 and 20 of an act defining felonies and prescribing punishment therefor, approved June 10th, 1852.

Which was read a first time, and referred to the Committee on the Judiciary.

On motion by Mr. Green, the Senate adjourned.

FRIDAY, 2 O'CLOCK P. M.

The Senate met.

RESOLUTIONS.

Mr. Hooper offered the following resolution :

Resolved, That three hundred copies of the report of the Board of Control of the House of Refuge, referred to in the Governor's Message, be printed for the use of the Senate and House of Representatives.

Which was adopted.

Mr. Johnson, of Spencer, offered the following resolution :

Resolved, That when the Senate adjourns it adjourn to meet Monday, at 2 o'clock P. M.

Which was adopted.

Mr. Wood asked and obtained leave of absence for Mr. Kinley.

On motion of Mr. Hadley,

Senate bill No. 111 was taken from the table and placed on the files.

SENATE BILLS ON SECOND READING.

Senate bill No. 146. An act to authorize turnpike companies to construct branch roads.

Which was read a second time, and ordered to be engrossed for a third reading on to-morrow.

Mr. Bradley moved a call of the Senate.

The Secretary proceeded with the call.

The following Senators answered to their names :

Messrs. Andrews, Armstrong, Beardsley, Bird, Bradley, Caven, Church, Cravens, Denbo, Elliott, Fisher, Gifford, Gray, Green, Had-

ley, Hamilton, Hanna, Henderson, Hess, Hooper, Huey, Huffman, Humphreys, Jaquess, Johnson of Spencer, Morgan, Reynolds, Robinson of Decatur, Scott, Smith, Stein, Taggart, Turner, Wolcott, and Wood—35.

Mr. Johnson of Spencer, moved that the further call of the Senate be dispensed with.

Which was agreed to.

BILLS ON THIRD READING.

Engrossed Senate bill No. 20. An act to tax costs in cases where surety in the bond of any Guardian, Executor or Administrator, shall apply to be released as such surety.

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Andrews, Bradley, Caven, Colley, Cravens, Elliott, Fisher, Gray, Green, Hadley, Hamilton, Hess, Hooper, Houghton, Huey, Huffman, Jaquess, Johnson of Spencer, Rice, Reynolds, Robinson of Decatur, Scott, Smith, Stein, and Wood—25.

Those who voted in the negative were,

Messrs. Armstrong, Beardsley, Bird, Denbo, Gifford, Hanna, Henderson, Hughes, Humphreys, Lasselle, Morgan, Sherrod, Taggart, Turner, and Wolcott—14.

So the bill failed for the want of a constitutional majority.

On motion of Mr. Cravens the following message from the House was taken up:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed Senate bill No. 178. An act to amend section one of an act fixing the time of holding Circuit Courts in the several counties of this State, approved June 18, 1852, with the accompanying engrossed amendments of the House thereto: amend the 1st section by striking out all after the word

"Ohio" in 25th line of said section, and insert "Jennings and Switzerland two weeks, in the counties of Ripley and Bartholomew three weeks, in the county of Jefferson four weeks, and in the county of Brown one week.

On motion of Mr. Cravens, the amendments contained in the foregoing message were concurred in.

A message from the House by Mr. Merwin the Clerk thereof:

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the House has passed Senate bill No. 144, A bill to prevent the introduction and spread, in this State, of the Texas or Spanish Cattle Fever, and declaring the bringing of Texas or Cherokee cattle into the State, or the purchasing of the same at certain seasons of the year a misdemeanor, and prescribing the penalty therefor.

Also that the House has passed Senate bill No. 145, A bill to prevent the introduction and spread of a cattle disease commonly known as Texas or Spanish Fever, by the importation and introduction of cattle into the State of Indiana, infected with, or liable to impart to other cattle said disease, and providing for the recovery of damages caused by the introduction of such diseased cattle, from the owners of such cattle.

And also, that the House has passed Senate bill No. 178, A bill to amend Section 1st of an act fixing the time of holding Circuit Courts in the several counties in this State, approved June 18th, 1852, with the accompanying engrossed amendments of the House thereto, in which the concurrence of the Senate is respectfully requested.

And further, that the House has passed Senate Concurrent Resolution in relation to a Joint Convention at 2:30 P. M., to elect a State Printer and other officers.

On motion by Mr. Johnson of Spencer, the following message from the House was taken up:

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the House has passed Senate Concurrent Resolution,

in relation to a Jointⁿ Convention at 2:30 P. M., to elect a State Printer, and other officers.

The hour having arrived for said Joint Convention, the Senate repaired to the Hall of the House of Representatives.

The Hon. Will Cumback, President of the Senate, took the Chair, and called the Joint Convention to order.

Mr. McFadden moved that the Joint Convention proceed to the election of a State Printer.

Which was agreed to.

Mr. Gray of the Senate, nominated A. H. Conner, for the office of State Printer.

Mr. Welburn of the House, nominated R. J. Bright, for that office.

Those who voted for Mr. Conner were,

Messrs. Andrews, Armstrong, Beardsley, Caven, Church, Colley, Cravens, Elliott, Fisher, Gray, Green, Hadley, Hamilton, Hess, Hooper, Houghton, Hughes, Jaquess, Johnson of Spencer, Rice, Reynolds, Robinson of Decatur, Scott, Stein, Wolcott and Wood, of the Senate.—26.

Those who voted for Mr. Conner were,

Messrs. Baker, Barnett, Beatty, Beeler, Brown, Breckinridge, Buskirk, Chittenden, Davidson, Davis, Fairchild, Field of LaGrange, Gilham, Gordon, Greene, Hall, Hamilton, Higbee, Higgins, Hutson, Johnson of Parke, Johnson of St. Joseph, Kerchival, Lamborn, Mason, Millekan, Miller, Mitchell, Monroe, Osborn, Overmyer, Pierce of Porter, Pierce of Vigo, Ratliff, Ruddell, Skidmore, Smith, Stephenson, Stewart of Rush, Taber, Underwood, Vardeman, Vater, Wildman, Williams of Hamilton, Williams of St. Joseph, Williams of Union, Wilson and Mr. Speaker of the House.—50.

Total number of votes given for Mr. Conner was—76.

Those who voted for Mr. Bright were,

Messrs. Bird, Bradley, Denbo, Gifford, Hanna, Henderson, Huey, Huffman, Humphreys, Lasselle, Morgan, Sherrod, Smith, Taggart and Turner, of the Senate.—15.

Those who voted for Mr. Bright were,

Messrs. Addison, Admire, Barrett, Bates, Bobo, Britten, Calvert, Carnahan, Cave, Coffroth, Cory, Cotton, Cox, Cunningham, Dittmore, Fuller, Hutchings, Hyatt, Johnson of Montgomery, Lawler, Logan, Long, McDonald, McFadin, McGregor, Miles, Mock, Montgomery, Neff, Odell, Shoaff, Shoemaker, Sleeth, Tibbs, Welburn, Wile, Williams of Knox, Zenor and Zollars, of the House.—39.

Total number of votes given for Mr. Bright was—54.

Mr. Conner having received a majority of all the votes given in the Joint Convention, was declared duly elected to the office of State Printer for the term prescribed by law.

On motion of Mr. Ratliffe of the House, the Joint Convention then proceeded to the election of Agent of State.

Mr. Fisher of the Senate, nominated Gen. Walter Q. Gresham, for that office.

Mr. Denbo of the Senate, nominated Mr. Jordan, for that office.

FOR AGENT OF STATE.

Those who voted for Mr. Gresham, were,

Messrs. Andrews, Armstrong, Beardsley, Caven, Church, Colley, Cravens, Elliott, Fisher, Gray, Green, Hadley, Hamilton, Hess, Hooper, Houghton, Hughes, Jacquess, Johnson of Spencer, Rice, Reynolds, Robinson of Decatur, Scott, Stein, Wolcott and Wood of the Senate—26.

Those who voted for Mr. Gresham, were,

Messrs. Baker, Barnett, Beatty, Bealer, Bowen, Breckinridge, Buskirk, Chapman, Chittenden, Davidson, Davis, Fairchild, Field of Lagrange, Gilham, Gordon, Green, Hall, Hamilton, Higbee, Higgins, Hutson, Johnson of Parke, Johnson of St. Joseph, Kercheval, Lamborn, Mason, Millekan, Miller, Mitchell, Monroe, Osborn, Overmyer, Pierce of Porter, Pierce of Vigo, Ratliff, Ruddell, Skidmore, Smith, Stephenson, Stewart of Rush, Taber, Underwood, Vardeman, Vater, Wildman, Williams of Hamilton, Williams of

St. Joseph, Williams of Union, Wilson and Mr. Speaker of the House—50.

The total number of votes given for Walter Q. Gresham was 76.

Those who voted for Mr. Jordan, were,

Messrs. Bird, Bradley, Denbo, Gifford, Hanna, Henderson, Huey, Huffman, Humphreys, Lasselle, Morgan, Sherrod, Smith, Taggart and Turner of the Senate—15.

Those who voted for Mr. Jordan, were,

Messrs., Addison, Admire, Barritt, Bates, Bobo, Britton, Calvert, Carnahan, Cave, Cofforth, Cotton, Cox, Cunningham, Dittmore, Fuller, Hutchings, Hyatt, Johnson of Montgomery, Lawler, Logan, Long, McDonald, McFadin, McGregor, Miles, Mock, Montgomery, Neff, Odell, Shoaff, Shoemaker, Sleeth, Tebbs, Welborn, Wile, Williams of Knox, Zenor and Zollars of the House—38.

Total number of votes given for Mr. Jordan was 53.

Walter Q. Gresham having received a majority of all the votes given, was declared duly elected Agent of State.

Mr. Vater of the House, moved that the Joint Convention then proceed to the election of State Librarian.

Which was agreed to.

Mr. Johnson of Spencer, of the Senate, nominated M. G. McLain for that office.

Mr. Shoemaker of the House, nominated Gustave Huffstein.

Those who voted for Mr. McLaine were,

Messrs. Andrews, Armstrong, Beardsley, Caven, Church, Colley, Cravens, Elliott, Fisher, Gray, Green, Hadley, Mamilton, Hess, Hooper, Houghton, Hughes, Jaquess, Johnson of Spencer, Rice, Reynolds, Robinson of Madison, Robinson of Decatur, Scott, Stein, Wolcott and Wood of the Senate.—26.

Those who voted for Mr. McLaine were,

Messrs. Baker, Barnett, Beatty, Bealer, Bowen, Breckenridge

Buskirk, Chapman, Chittenden, Davidson, Davis, Fairchild, Field of Lagrange, Gilham, Gordon, Green, Hall, Hamilton, Higby, Higgins, Hutson, Johnson of Park, Johnson of St. Joseph, Kercheval, Lamborn, Mason, Millekan, Miller, Mitchell, Monroe, Osborn, Overmyer, Pierce of Porter, Pierce of Vigo, Ratliff, Ruddell, Skidmore, Smith, Stevenson, Stewart of Rush, Taber, Underwood, Vardeman, Vater, Wildman, Williams of Hamilton, Williams of St. Joseph, Williams of Union, Wilson and Mr. Speaker of the House.—50

The total number of votes given for Mr. McLaine was 76.

Those who voted for Mr. Huffstein were,

Messrs. Bird, Bradley, Denbo, Gifford, Hanna, Henderson, Huey, Huffman, Humphreys, Lasselle, Morgan, Sherrod, Smith, Taggart, and Turner of the Senate.—15.

Those who voted for Mr. Huffstein were,

Messrs. Addison, Admire, Barrett, Bates, Bobo, Britton, Calvert, Carnahan, Cave, Coffroth, Cotton, Cox, Cunningham, Dittemore, Fuller, Hutchings, Hyatt, Johnson of Montgomery, Lawler, Logan, Long, McDonald, McFadin, McGregor, Miles, Mock, Montgomery, Neff, Odell, Shoaff, Shoemaker, Sleeth, Tebbs, Welborn, Wile, Williams of Knox, Zenor and Zollers of the House.—38.

The total number of votes given Mr. Huffstein was 53.

Mr. McLaine having received a majority of all the votes given, was declared duly elected State Librarian for the term prescribed by law.

The Joint Convention then proceeded to the election of three Directors for the State Prison North.

Mr. Buskirk put in nomination, Messrs. A. D. Hamrick, Willis Blanch, and J. W. Hart for those offices.

Mr. Welborn put in nomination Messrs. Davis, Niblack and Walker for those offices.

Those who voted for Messrs. Branch, Hart and Hamrick were,

Messrs. Andrews, Armstrong, Beardsley, Caven, Church, Colley, Cravens, Elliott, Fisher, Gray, Green, Hadley, Hamilton, Hess, Hooper, Houghton, Hughes, Jaquess, Johnson of Spencer, Rice, Reynolds, Robinson of Decatur, Stein, Wolcott and Wood of the Senate.—25.

Those who voted for Messrs. Hamrick, Blanche, and Hart, were, Messrs. Baker, Barnett, Beatty, Beeler, Bowen, Breckinridge, Buskirk, Chapman, Chittenden, Davidson, Davis, Fairchild, Field of Lagrange, Gilham, Gordon, Hall, Higgins, Hutson, Johnson of Parke, Johnson of St. Joseph, Kercheval, Lamborn, Mason, Millekan, Miller, Mitchell, Monroe, Osborn, Overmyer, Pierce of Vigo, Ratliff, Ruddell, Skidmore, Smith, Stevenson, Stewart of Rush, Taber, Vardeman, Vater, Wildman, Williams of Hamilton, Williams of St. Joseph, Williams of Union, Wilson, and Mr. Speaker of the House—45.

Total number of votes given for Messrs. Hamrick, Blanche, and Hart was 70.

Those who voted for Messrs. Davis, Niblack, and Walker were,

Messrs. Bird, Bradley, Denbo, Gifford, Hanna, Henderson, Huey, Huffinan, Humphreys, Lasselle, Morgan, Smith, Turner, and Taggart of the Senate—14.

Those who voted for Messrs. Davis, Niblack, and Walker were,

Messrs. Admire, Barritt, Bates, Britton, Calvert, Carnahan, Case, Cory, Cotton, Cox, Cunningham, Dittemore, Fuller, Hutchings, Hyatt, Johnson of Montgomery, Lawler, Logan, Long, McDonald, McFadin, McGregor, Miles, Mock, Montgomery, Neff, Odell, Shoaff, Shoemaker, Sleeth, Sunman, Tebbs, Welborn, Wile, Williams of Knox, Zenor, and Zollars of the House—37.

Total number of votes given for Messrs. Davis, Niblack, and Walker was 51.

A. D. Hamrick, Willis Blanche, and J. W. Hart, having each received a majority of all the votes given, were declared duly elected Directors of the Northern Indiana State Prison.

The Joint-Convention then proceeded to the election of one Director for the State Prison South.

Mr. McFadin, of the House, put in nomination Wm. Henderson for that office.

Mr. Hadley, of the Senate, put in nomination W. W. Curry for that office.

Those who voted for Mr. Curry were,

Messrs. Andrews, Armstrong, Beardsley, Caven, Church, Colley, Cravens, Elliott, Fisher, Gray, Green, Hadley, Hamilton, Hughes, Jaquess, Johnson of Spencer, Rice, Reynolds, Robinson of Decatur, Stein, Wolcott, and Wood of the Senate—25.

Those who voted for Mr. Curry were,

Messrs. Baker, Barnett, Beatty, Beeler, Bowen, Breckinridge, Buskirk, Chapman, Chittenden, Davidson, Davis, Fairchild, Field of Lagrange, Gilham, Gordon, Green, Hall, Hamilton, Higbee, Higgins, Hutson, Johnson of Parke, Johnson of St. Joseph, Kercheval, Lamborn, Mason, Millekan, Miller, Mitchell, Monroe, Osborn, Overmyer, Pierce of Porter, Pierce of Vigo, Ratliff, Ruddell, Skidmore, Smith, Stephenson, Stewart of Rush, Taber, Underwood, Vardeman, Vater, Wildman, Williams of Hamilton, Williams of St. Joseph, Williams of Union, Wilson and Mr. Speaker of the House—50.

Total number of votes given Mr. Curry was 75.

Those who voted for Mr. Henderson were,

Messrs. Bird, Bradley, Denbo, Gifford, Hanna, Henderson, Huey, Huffinan, Humphreys, Laselle, Morgan, Smith, Taggart and Turner of the Senate—14.

Those who voted for Mr. Henderson were,

Messrs. Addison, Admire, Barritt, Bates, Bobo, Britton, Calvert, Carnahan, Case, Coffroth, Cotton, Cox, Cunningham, Dittmore, Fuller, Hutchings, Hyatt, Johnson of Montgomery, Lawler, Logan, Long, McDonald, McFadin, McGregor, Miles, Mock, Montgomery, Neff, Odell, Shoaff, Shoemaker, Sleeth, Tebbs, Welborn, Wile, Williams of Knox, Zenor and Zollars of the House—38.

Total number of votes given Mr. Henderson was 53.

Mr. Curry having received a majority of all the votes given was declared duly elected to the office of Director of the State Prison, South.

Mr. Stewart of Rush, of the House, moved to go into the election of Trustee of the Soldiers' and Seamans' Home.

Which was agreed to.

Mr. Stewart then put in nomination H. B. Hill for that office.

Mr. Cory, of the House, put in nomination A. B. Line for that office.

Those who voted for Mr. Hill were,

Messrs. Andrews, Armstrong, Beardsley, Caven, Church, Colley, Elliott, Fisher, Gray, Green, Hadley, Hamilton, Hess, Hooper, Houghton, Hughes, Jaquess, Johnson of Spencer, Rice, Robinson of Decatur, Stein, Wolcott and Wood of the Senate—23.

Those who voted for Mr. Hill were,

Messrs. Baker, Barnett, Beatty, Beeler, Bowen, Breckinridge, Buskirk, Chapman, Chittenden, Davidson, Davis, Fairchild, Field of Lagrange, Gilham, Gordon, Hall, Higgins, Hutson, Johnson of Parke, Johnson of St. Joseph, Kercheval, Lamborn, Mason, Millekan, Miller, Mitchell, Monroe, Osborn, Overmyer, Pierce of Porter, Pierce of Vigo, Ruddell, Skidmore, Smith, Stephenson, Stewart of Rush, Taber, Vardeman, Vater, Wildman, Williams of Hamilton, Williams of St. Joseph, Williams of Union, Wilson and Mr. Speaker, of the House—45.

Total number of votes given for Mr. Hill was 68.

Those who voted for Mr. Line were,

Messrs. Bird, Bradley, Denbo, Gifford, Hanna, Henderson, Humphreys, Lasselle, Morgan, Smith, Taggart and Turner of the Senate—12.

Those who voted for Mr. Line were,

Messrs. Admire, Barrett, Bates, Britton, Calvert, Carnahan, Cave, Cory, Cotton, Cox, Cunningham, Dittimore, Fuller, Hutchings, S. J.—21

Hyatt, Johnson of Montgomery, Lawler, Logan, Long, McDonald, McFadin, Mock, Montgomery, Odell, Shoaff, Shoemaker, Sleeth, Sunman, Tebbs, Welborn, Wile, Williams of Knox, Zenor and Zollers, of the House—33.

Total number of votes given for Mr. Line was 45.

Mr. Hill having received a majority of all the votes given, was declared duly elected to the office of Trustee of the Soldiers' and Seamen's Home for the term prescribed by law.

The business for which the Joint Convention assembled having been transacted, the President declared the same adjourned *sine die*.

The Senate returned to its chamber.

Mr. Cravens offered the following resolution :

Resolved, That the Senate will, the House of Representatives concurring therein, proceed immediately to the election of a President for the Benevolent Institution, one Commission for the Hospital of the Insane, one Trustee each for the Deaf and Dumb and the Blind Asylum.

Which was adopted.

Message from the House by Mr. Merwin, clerk thereof.

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the House has passed the accompanying resolution, in which the concurrence of the Senate is respectfully requested :

Resolved, That the Senate concurring, the two Houses of the General Assembly of the State of Indiana proceed immediately to elect the Resident Commissioners, and Trustees of the Boards of the Benevolent Institutions, the same in accordance with the provisions of the law governing said election, approved March 5, 1859.

On motion of Mr. Cravens, the resolution contained in the foregoing message was concurred in.

Ordered, That the Secretary inform the House thereof.

Nominations for the officers of the Benevolent Institutions being in order,

Mr. Cravens put in nomination P. H. Jameson for the office of President of the Board of Benevolent Institutions.

Mr. Denbo put in nomination G. B. Walker for that office.

Those who voted for Mr. Jameson were,

Messrs. Andrews, Armstrong, Beardsley, Caven, Church, Colley, Cravens, Elliott, Fisher, Gray, Green, Hadley, Hamilton, Hess, Hooper, Houghton, Hughes, Jaquess, Johnson of Spencer, Rice, Reynolds, Robinson of Decatur, Scott, Stein, Wolcott and Wood—26.

Those who voted for Mr. Walker were,

Messrs. Bird, Bradley, Denbo, Gifford, Hanna, Henderson, Huey, Huffman, Humphreys, Lasselle, Morgan and Smith—12.

Mr. Jameson having received a majority of all the votes given, was declared duly elected to the office of President of the Board of Benevolent Institutions on the part of the Senate.

Ordered, That the Secretary inform the House thereof.

Nominations for a Commissioner for the Hospital of the Insane being in order,

Mr. Green nominated Dr. James H. Woodburn for that office.

Mr. Bradley put in nomination Dr. J. S. Athon for that office.

Those who voted for James H. Woodburn were :

Messrs. Andrews, Armstrong, Beardsley, Caven, Church, Colley, Cravens, Elliott, Fisher, Gray, Green, Hadley, Hamilton, Hess, Hooper, Houghton, Hughes, Jaquess, Johnson of Spencer, Rice, Reynolds, Robinson of Decatur, Scott, Stein, Wolcott and Wood—26.

Those who voted for J. S. Athon were :

Messrs. Bird, Bradley, Denbo, Gifford, Hanna, Henderson, Huey, Huffman, Humphreys, Lasselle, Morgan and Smith—12.

So the President declared that James H. Woodburn, having received a majority of all the votes given by the Senate for that office, was duly elected.

Ordered, That the Secretary, on the part of the Senate, inform the House thereof.

Nominations for Trustee of the Blind Asylum being in order.

Mr. Elliott nominated John Beard for that office.

Mr. Henderson nominated R. H. Tarleton for that office.

Those who voted for Mr. John Beard were :

Messrs. Andrews, Armstrong, Beadsley, Caven, Church, Colley, Cavens, Elliott, Fisher, Gray, Green, Hadley, Hamilton, Hess, Hooper, Houghton, Hughes, Jaquess, Johnson of Spencer, Rice, Reynolds, Robinson of Decatur, Scott, Stein, Wolcott and Wood—26.

Those who voted for R. H. Tarlton were :

Messrs. Bird, Bradley, Denbo, Gifford, Hanna, Henderson, Huey, Huffman, Humphreys, Lasselle, Morgan and Smith—12.

So the President declared that John Beard had received a majority of all the votes given by the Senate for that office.

Ordered, That the Secretary inform the House thereof.

Nominations for Trustee of the Deaf and Dumb Asylum being in order.

Mr. Cravens nominated Dr. J. M. Kitchen for that office.

Mr. Henderson nominated Dr. David McClure for that office.

Those who voted for Dr. J. M. Kitchen were :

Messrs. Andrews, Armstrong, Beardsley, Caven, Church, Colley, Cravens, Fisher, Gray, Green, Hadley, Hamilton, Hess, Hooper, Houghton, Hughes, Jaquess, Johnson of Spencer, Rice, Reynolds, Robinson of Decatur, Stein, Wolcott and Wood—24.

Those who voted for Dr. McClure were :

Messrs. Bird, Bradley, Denbo, Gifford, Hanna, Henderson, Huey, Huffman, Humphreys, Lasselle, Morgan and Smith—12.

Dr. J. M. Kitchen having received a majority of all the votes given, was declared duly elected to that office, on the part of the Senate.

On motion of Mr. Hughes, Mr. Turner was added to the Committee on Congressional Apportionment.

Mr. Stein asked, and obtained leave of absence for Mr. Reynolds, until Wednesday next.

On motion by Mr. Gray, the Senate adjourned.

MONDAY AFTERNOON, 2 o'clock, }
February 8, 1869. }

Senate met.

The Journal of Friday was partly read, when on motion by Mr. Robinson of Decatur, the further reading thereof was dispensed with.

The President laid before the Senate the following message from his Excellency the Governor, by John M. Commons his Private Secretary.

EXECUTIVE DEPARTMENT, }
INDIANAPOLIS, IND. Feb. 5, 1869. }

Gentlemen of the Senate, and House of Representatives:

I herewith respectfully communicate to the General Assembly, an authenticated copy of the record of the Board of Commissioners of Monroe county, proposing to issue the bonds of said county to the amount of \$50,000, upon condition that the Agricultural College shall be located in said county, and recommend that this proposition receive due consideration before the location of the Institution shall be decided.

Signed,

CONRAD BAKER.

Which was referred to the Committee on Agriculture and Education.

PETITIONS, MEMORIALS, AND REMONSTRANCES.

Mr. Caven presented a claim from O. B. Stout & Bro., for goods furnished Quartermaster Martin Igoo.

Which was referred to the Committee on Claims.

Mr. Kinley presented a petition from sundry citizens of DeKalb county, Indiana, asking that a law may be enacted to prohibit the traffic in intoxicating liquors as a beverage.

Which was referred to the Committee on Temperance.

Mr. Fosdick presented a petition from sundry citizens of Elkhart county, asking for the passage of a law to restrain sheep and hogs from running at large.

Which was referred to the Committee on County and Township Business.

Mr. Andrews presented a petition from sundry citizens of the State, protesting against the consolidation of railroad companies.

Which was referred to the Committee on Corporations.

Mr. Stein presented a petition in reference to Dr. Wright's claim.

Which was referred to the Committee on Claims.

Mr. Wolcott presented a petition from the operatives of the Indiana Cotton Mills, at Cannelton, Indiana, proposing a modification of the law of 1867, extending the hours of labor in Cotton and Woolen Factories.

Which was referred to the Committee on Manufactories.

Senate bill No. 161, the special order of the hour, was then taken up, and,

On motion of Mr. Stein, it was referred to the Committee on the Judiciary.

Mr. Caven, Chairman of the Judiciary Committee, made the following report:

MR. PRESIDENT:

The Judiciary Committee, to whom was referred Senate bill No. 84, introduced by Senator Church, entitled an act to repeal section 31 of an act entitled an act concerning real property and the alienation thereof, report that they have had the same under consideration, and respectfully recommend the passage of said bill.

Which report was concurred in.

Mr. Robinson of Decatur, from the Committee on Roads, made the following report:

MR. PRESIDENT:

The Committee on Roads, to whom was referred the petition of a large number of the citizens of Marion County, in relation to the exorbitant charge of toll by the Central Plank Road Company, for

repairs to the bridge over White River, on the National Road, near the city of Indianapolis, and asking for a repeal of the law under which these charges are made, beg leave to make the following report :

The law of 1852, authorizing the construction of plank, macadamized and gravel roads, allowed companies building bridges costing \$1,500.00, to charge toll thereon equal to that charged for one mile of road.

In 1855, the law was amended so as to allow companies to charge toll for two miles of road on bridges costing \$1,000.00, and for one mile of road on bridges costing \$500.00.

In 1867, the latter act was further amended by allowing companies to charge at the same rate for repairing bridges.

Under this latter act, the Central Plank Road Company, it is represented, is now charging toll for repairing the bridge over White River, the repairs consisting, as is understood, in putting a new roof on said bridge.

The bridge, as is well known, was built by the General Government, and the company has had the use of the same for many years, free of cost, and the committee concur with the petitioners in the opinion that it is most unjust to allow additional toll for repairs under such circumstances, or indeed under any circumstances, as such repairs do but restore bridges to their condition when erected originally, and for which companies constructing them were allowed to charge toll. Your committee also believe that the law of 1852, which allowed companies to charge toll for one mile of road on bridges costing \$1,500.00, is liberal enough, that amount being less than the average cost of one mile of road.

The committee have, therefore, directed me to report the accompanying bill repealing the third section of the law of 1855, above referred to, and also the law of 1867, and recommend its passage

Which report was concurred in.

Mr. Gifford, from the Committee on County and Township Business, made the following report :

MR. PRESIDENT :

The Committee on County and Township Business, to whom was referred a petition numerously signed by citizens of Elkhart county, Indiana, praying for a passage of a law to prevent sheep and

hogs from running at large in the public highways of this State, have had the same under consideration, and have directed me to return the petition and recommend that it lie on the table, for the reason that they consider the legislation demanded inexpedient.

Which report was concurred in.

Mr. Hess, from the Committee on Roads, made the following report :

MR. PRESIDENT :

The Committee on Roads, to whom was referred Senate bill No. 70, an act to amend an act entitled "An act authorizing the construction of plank, macadamized, and gravel roads," having had the same under consideration, have directed me to report the following amendment to section 1st: Amend by adding to said section the words "*provided*, the same shall not be located on any State or county road without the consent of the Commissioners of the county," and when so amended they recommend its passage.

Which report was concurred in.

Mr. Robinson, of Madison, from the Committee on the Judiciary, made the following report :

MR. PRESIDENT :

The Judiciary Committee, to whom was referred Senate bill No. 8, introduced by Senator Armstrong, entitled "An act declaring prize fighting a felony, and prescribing the punishment therefor," have had the same under consideration, and have directed me to report the accompanying bill as a substitute therefor, and respectfully recommend its passage.

Which report was concurred in.

Mr. Scott, from the Committee on the Judiciary, made the following report :

MR. PRESIDENT :

The Judiciary Committee, to whom was referred Senate bill No. 83, introduced by Senator Church, entitled a bill to amend section 2 of an act entitled an act making the register of the sales of Michigan road lands, and certified copies thereof evidence, report that they have had the same under consideration, and recommend the following amendment, to-wit :

Strike out all of said bill after the word "Providence," on third line of page 2, and insert following words, to-wit: however, that where any deed or instrument concerning the title to real estate has not been recorded within three years after its execution, neither the record thereof nor copy of such record, shall be admissable in evidence as against the heirs of the party who executed such deed or instrument, or their assigns, unless offered in behalf of parties who have been in actual possession thereof of the lands therein described, and upon the adoption of said amendment respectfully recommend the passage of said bill.

Which report was concurred in.

Mr. Caven, Chairman of the Committee on the Judiciary, made the following report:

MR. PRESIDENT:

The Judiciary Committee, to whom was referred Senate bill No. 131, introduced by Senator Wolcott, entitled an act to legalize and declare valid and effectual all the orders, judgments and proceedings made, rendered, had and held by and before the Court of Common Pleas of White County, in this State, beginning and held at the Court House in the town of Monticello, in said county, on the 23d day of March, 1868, and continuing from day to day for two weeks, report that they have had the same under consideration, and respectfully recommend the passage of said bill.

Which report was concurred in.

Mr. Robinson of Madison, from the Committee on the Judiciary, made the following report:

MR. PRESIDENT:

The Judiciary Committee, to whom was referred Senate bill No. 10, introduced by Senator Humphreys, entitled an act to repeal an act entitled an act providing for the redemption of real property, or any interest therein, sold on execution or order of sale, and providing for the issuing of certificates of purchase in such cases, and for the execution of conveyances, and repealing all laws in conflict therewith, report that they have had the same under consideration, and respectfully recommend the indefinite postponement of said bill.

Which report was concurred in.

RESOLUTIONS.

Mr. Kinley offered the following resolution :

Resolved, That the Committee on Prisons be authorized to appoint a sub-committee of their number with authority to send for persons and papers to examine into the condition and management of the State Prison South, and to report to the Senate the result of their investigations.

Which was adopted.

Mr. Stein offered the following resolution :

Resolved, That when the Senate adjourns it adjourn to meet to-morrow at 10 o'clock.

Which was adopted.

JOINT RESOLUTIONS.

Mr. Houghton introduced

Senate Joint Resolution No. 12. A joint resolution instructing our Senators and requesting our Representatives in Congress to secure the passage of an act for the adjustment of claims due Mary Burns, a resident of Martin county, State of Indiana, widow of Charles Burns, deceased, late private of Co. B, 80th Ind. Vol. Infantry.

Which was read a first time.

The question being shall the Joint Resolution pass ?

Those who voted in the affirmative were,

Messrs. Andrews, Armstrong, Beardsley, Bird, Bradley, Carson, Case, Caven, Church, Cravens, Denbo, Elliott, Fisher, Fosdick, Gifford, Gray, Green, Hadley, Hamilton, Henderson, Hess, Hooper, Houghton, Hawk, Huffman, Jaquess, Johnson of Spencer, Kinley, Morgan, Rice, Robinson of Madison, Robinson of Decatur, Scott, Smith, Stein, Turner, Wolcott, and Wood—39.

Those who voted in the negative were,

Messrs. Johnson of Montgomery, and Sherrod.

So the Joint Resolution passed.

Ordered, That the Secretary to inform the House thereof.

Mr. Green asked, and obtained leave of absence for Mr. Gray.

BILLS INTRODUCED.

Mr. Hughes introduced

Senate bill No. 197, "A bill to provide for an extended and improved system of education in the State of Indiana, by increasing and securing the endowment of the State University at Bloomington, endowing a law school and law library therein, by appropriating thereto any net revenue that may arise from the State Prisons, or either of them, providing free tuition in said University; establishing and endowing at Indianapolis a medical department of said University: providing for contingent expenses connected therewith, and for the sale or lease of square No. 25 in Indianapolis; empowering the City of Indianapolis to purchase said square; for the investment and management of the proceeds thereof, and the government of said department; declaring the State Normal School at Terre Haute a branch of said State University, and appropriating \$75,000 for the benefit thereof, and adding a 'Trustee; accepting certain donations from the Commissioners of Tippecanoe county and others; establishing an Agricultural College in connection with said State University, and fixing and pledging its location, and providing for its organization and government, and adding a 'Trustee; providing for matters pertaining to said subject, and declaring an emergency."

Was read a first time, and on motion of Mr. Hughes the bill was laid upon the table, and two hundred copies of the same ordered to be printed, and made the special order of Thursday next, at 2 o'clock.

Which was agreed to.

Mr. Green introduced.

Senate bill No. 198, "A bill authorizing the assessment of lands for Plank, Macadamized and Gravel Road purposes; prescribing the manner of assessing and collecting the same, and repealing the law on that subject," approved March 11th, 1867.

Which was read a first time, and referred to the Committee on Corporations.

Mr. Wood introduced

Senate bill No. 199, An act to amend section one and three of an act entitled "An act to repeal all general laws now in force for the incorporation of cities, and to provide for the incorporation of cities, prescribing their powers and rights, and the manner in which they shall exercise the same, and to regulate such other matters as properly pertain thereto," approved March 14th, 1867.

Which was referred to the Committee on Corporations.

Mr. Robinson of Madison introduced

Senate bill No. 200, "An act to legalize the tax assessment for the year 1868, in certain incorporated cities,"

Which was read a first time, and referred to the Committee on the Judiciary.

Mr. Hawk introduced

Senate bill No. 201, An act to revise and amend section five of an act entitled "An act, providing for an organization of Circuit Courts, the election of Judges thereof, and defining their powers and duties, approved December 20th, 1865," approved March 8th, 1867.

Which was read a first time, and referred to the Committee on Organization of Courts.

Mr. Robinson, of Madison, introduced

Senate bill No. 202. An act to authorize Railroad Companies to sell, lease, or otherwise dispose of, and to contract for the use of their Roads, franchises and property, or any part thereof, and authorizing Railroad Companies to aid other Railroad Companies in the construction and equipment of their Roads.

Which was read a first time and referred to the Committee on Corporations.

Mr. Robinson, of Madison, introduced

Senate bill No. 203. An act to amend an act to authorize, regulate, and confirm the sale of Railroads, to enable purchasers of the same to form Corporations and exercise corporate powers, and to define their rights, powers and privileges, to enable such Corporations to purchase and construct connecting branch roads, and to

operate and maintain the same, approved March 3, 1865, and extending the provisions of said act to all other Railroad Companies.

Which was read a first time and referred to the Committee on Corporations.

Mr. Bird introduced

Senate bill No. 204. An act to repeal an act entitled "An act to provide for the registry of voters and to declare their residence, and to punish fraudulent practices touching elections, and defining the duties of certain officers therein named, and the forms of the ballots, and providing compensation for the services of such officers," approved March 11, 1867.

Which was read a first time and referred to the Committee on Corporations.

Mr. Hawk introduced

Senate bill No. 205. An act to revise and amend the seventy-ninth section of an act entitled "An act to repeal all laws now in force for the incorporation of cities, prescribing their powers and rights, and the manner in which they shall exercise the same, and to regulate such other matters as properly pertain thereto," approved March 14, 1867.

Which was read a first time and referred to the Committee on Corporations.

Mr. Denbo introduced

Senate bill No. 206. An act to fix the time of holding the Circuit Courts in the several Counties composing the Sixth Judicial Circuit, repealing all laws in conflict therewith, making all processes returnable to the times fixed by this act, and regulating the transaction of business therein.

Which was read a first time, and referred to the Committee on the Organization of Courts.

Mr. Scott introduced

Senate bill No. 207. An act to amend Section 37 of an act entitled an act to provide for a general system of Common Schools, the officers thereof and their respective powers and duties, and matters properly connected therewith, and prescribing the fees for

certain officers therein named, and for the establishment and regulation of Township Libraries, and to repeal all laws inconsistent therewith, providing penalties therein prescribed," approved March 6, 1865.

Which was read a first time, and referred to the Committee on Education.

Mr. Caven introduced

Senate bill No. 208. An act to authorize Boards of County Commissioners to make allowances in certain cases.

Which was read a first time, and referred to the Committee on County and Township Business.

Mr. Caven introduced Senate bill No. 209. An act providing for the forfeiture of estates for life, where the owners thereof fail to pay the taxes assessed against the same.

Which was read a first time, and referred to the Committee on Rights and Privileges of the Inhabitants of the State.

Mr. Wolcott introduced

Senate bill 210. A bill to define certain offences therein mentioned, and to prescribe punishment therefor, and to suppress the usurpation of the functions of the Judiciary, in the punishment of real or pretended offences.

Which was read a first time, and referred to the Committee on the Judiciary

Mr. Wolcott asked and obtained leave to offer the following concurrent resolution:

Be it resolved, By the Senate of the State of Indiana, the House of Representatives concurring, that the following amendment be proposed to the Constitution of the State of Indiana.

AMENDMENT TO THE CONSTITUTION.

No law or resolution shall ever be passed by the General Assembly of the State of Indiana, that shall recognize any liability of this State to pay or redeem any certificate of stock issued in pursuance of an act entitled an act to provide for the funded debt of the State of Indiana, and for the completion of the Wabash and Erie Canal to Evansville, passed January 19th, 1846, and an act

supplemental to said act, passed January 19th, 1847, which, by the provisions of the said acts or either of them, shall be payable exclusively from the proceeds of the Canal lands, and the tolls and revenues of the Canal in said acts mentioned, and no such certificate or stock shall ever be paid by this State.

Which, on motion by Mr. Carson, was referred to the Committee on the Judiciary.

Mr. Caven moved to take up Senate bill No. 53, and that the same be referred to the Committee on the Judiciary.

Which was agreed to.

BILLS ON SECOND READING.

Senate bill No. 36. "An act prohibiting the retail of intoxicating liquors to be used as a beverage, and repealing all conflicting laws."

Was read a second time, and the amendments reported by the Committee on Temperance, were adopted.

On motion by Mr. Kinley, the bill was laid on the table, and two hundred copies ordered to be printed.

Mr. Rice, by unanimous consent, introduced

Senate bill No. 211. A bill defining what counties shall constitute the Eighth Judicial Circuit, and fixing the terms of holding the Courts therein.

Which was read a first time, and referred to the Committee on Organization of Courts.

Senate bill No. 111. An act to amend the 16th section of an act entitled "An act providing for the election or appointment of supervisors of highways, and prescribing certain of their duties and those of county and township officers in relation thereto," approved March 5, 1859.

Was read a second time.

Mr. Green moved to amend section 16 after the word "any," in second line, by inserting the word "uninclosed."

Which amendment was adopted.

Mr. Armstrong moved to further amend by inserting "that in no case shall the supervisor enter such lands and cut timber and take gravel without first contracting with the owner of said lands."

Which was adopted.

The bill, as amended, was ordered to be engrossed and passed to a third reading on to-morrow.

Senate bill No. 114. An act to amend section 19 of an act entitled "An act regulating the fees of officers and repealing former acts in relation thereto," approved March 2, 1855.

Which was read a second time, ordered to be engrossed, and passed to a third reading on to-morrow.

By consent of the Senate, Mr. Hughes presented a memorial and claims for indemnification from Captain Samuel McCormick, Lieut. Bedee Johnson and others, for suits brought against them in the counties of Knox and Sullivan.

Which were referred to the Committee on Military Affairs.

Senate bill No. 135. An act to amend the 2d section of an act entitled "An act for the redemption of real property, or any interest therein, sold on execution or order of sale, and providing for the issue of certificates of purchase in such cases, and for the execution of conveyances, and repealing all laws in conflict therewith," approved June 4, 1861, and providing a speedy remedy for the recovery of such real property in cases of its non-redemption.

Was read a second time, and recommitted to the Committee on the Judiciary, with the following instructions:

"To amend so as to provide that the execution debtor shall give security that he will pay the rents of the property in case he shall not redeem the property at or before the expiration of one year; and in case he shall fail to give such security then the purchaser shall be entitled to the immediate possession of said land; and if the debtor shall redeem the land within one year he shall be entitled to retain out of the redemption money so much as the reasonable rent of the premises are worth, to be ascertained by appraisers, one to be selected by the purchaser and one by the debtor; and if they cannot agree, a third to be selected by the two, and said appraisers shall be sworn."

Senate bill No. 142. To revise and amend section 5 of an act entitled "An act providing for the election and prescribing certain duties of county surveyor."

Was read a second time, and the amendment therein contained adopted, ordered to be engrossed and passed to a third reading on to-morrow.

Senate bill No. 152. A bill to amend the 2d section of an act to provide for the protection of wild game, and defining the time in which the same may be taken or killed, and declaring the penalty for the violation of this act, and to repeal all laws inconsistent therewith.

Was read a second time, with the amendments therein contained, adopted, ordered to be engrossed, and passed to a third reading on to-morrow.

Senate bill No. 165. A bill authorizing Boards of County Commissioners to relieve sureties on official bonds of county officers, on petition of a majority of the voters of the county.

Was read a second time, and,

On motion by Mr. Bradley, the bill was indefinitely postponed.

On motion by Mr. Armstrong, the Senate adjourned.

TUESDAY MORNING, 10 O'CLOCK, }
February 9, 1869. }

The Senate met.

The journal of yesterday was partially read, when,

On motion of Mr. Denbo, the further reading thereof was dispensed with.

PETITIONS, MEMORIALS AND REMONSTRANCES.

Mr. Bellamy presented a petition from sundry citizens of Switzerland county, asking for a repeal of the general road law.

Which was referred to the Committee on Corporations.

Mr. Sherrod presented a petition of sundry resident voters of Orange county, Indiana, asking an amendment of the gravel road law, so as to extend the district of lands to be taxed for road purposes to three miles on each side of any proposed road, in place of one and one half miles as the law now stands.

Which was referred to the Committee on Corporations.

Mr. Bellamy presented a remonstrance from sundry citizens of Moorfield, Indiana, and vicinity thereof, against the repeal of the "Gravel Road Law."

Which was referred to the Committee on Corporations.

REPORTS FROM STANDING COMMITTEES.

Mr. Hadley from the Committee on Phraseology, Arrangement of Bills, and Enrolled Bills made the following report:

MR. PRESIDENT:

The Committee on Phraseology, Arrangement of Bills and Enrolled Bills to whom was referred Enrolled Senate bill No. 144, entitled an act to prevent the introduction and spread in this State of the Texas or Spanish cattle fever," have carefully examined the same, and find it to be neatly and correctly enrolled.

Which report was concurred in.

Mr. Hooper from the Committee on Phraseology, Arrangement of Bills and Enrolled bills, have carefully examined Enrolled Senate Act No. 145, entitled an act to prevent the introduction and spread of a cattle disease commonly known as Texas or Spanish fever, and find the same to be neatly and correctly enrolled.

Which was concurred in.

Mr. Carson from the Committee on Corporations, made the following report :

MR. PRESIDENT :

The Committee on Corporations, to whom was referred Senate bill No. 167, entitled an act for the incorporation of Manufacturing and Mining Companies, and Companies for Mechanical, Chemical and Building purposes, approved May 20th, 1852, have had the same under consideration, and do now report the same back to the Senate and recommend its passage.

Which report was concurred in.

Mr. Green from the Committee on Corporations made the following report :

MR. PRESIDENT :

The Committee on Corporations, to whom was recommitted Senate bill No. 47, entitled an act to enable cities to aid in the construction of railroads, have had the same under consideration and do now report the same back to the Senate, and recommend its passage.

Which report was concurred in.

Mr. Hooper, from the Committee on Corporations, made the following report :

MR. PRESIDENT :

The Committee on Corporations, to whom was referred Senate bill No. 141, entitled "an act to repeal an act entitled an act to allow County Commissioners to organize turnpike companies, where three-fifths of the persons representing the real estate within

the prescribed limits, petition for the same, and to levy a tax for its construction, and to provide for the same to be free," approved March 6th, 1855, have had the same under consideration, and do now report the same back to the Senate, and recommend that the bill lie on the table.

Which report was concurred in.

Mr. Hanna, from the Committee on Corporations, made the following report:

MR. PRESIDENT :

The Committee on Corporations, to whom was referred Senate bill No. 173, entitled an act to change the corporate name of the Widows' and Orphans' Asylum of Indianapolis, have had the same under consideration, and do now report the same back to the Senate, and recommend its passage.

Which report was concurred in.

Mr. Rice, from the Committee on Corporations, submitted the following report:

MR. PRESIDENT :

The Committee on Corporations, to whom was referred Senate bill No. 191, entitled an act enabling cities or towns to build, improve, and keep in repair roads leading to cemeteries, owned or used by the inhabitants of cities or towns, or owned by a city or town, and to annex such road to such city or town, and defining the duties of certain officers, have had the same under consideration, and do now report the same back to the Senate, and recommend that the bill be amended as follows, to-wit:

Strike out the word "such" on the twelfth line of section one, and insert the word "any;" and after the word "road," on the same line, insert the words "which such council may select."

Also strike out the words "or roads," in the 17th line.

And when so amended, recommend that the bill pass.

Which report was concurred in.

Mr. Rice, from the Committee on the Judiciary, made the following report:

MR. PRESIDENT :

The Judiciary Committee, to whom was referred Senate bill No. 143, introduced by Senator Bradley, entitled a bill to provide for the continuance of actions pending in the Courts of this State in certain cases, report that they have had the same under consideration, and respectfully recommend that the same lie on the table.

Which report was concurred in.

Mr. Scott, from the Committee on the Judiciary, made the following report :

MR. PRESIDENT :

The Committee on the Judiciary, to whom was referred Senate bill No. 118, introduced by Senator Rice, entitled a bill to amend the 16th section of an act entitled an act to provide for contesting the election to any State, District, Circuit, County, or Township office, approved March 4, 1852, to provide relief in cases of contests erroneously commenced by reason of the misprint of said section 16, and to provide for taking depositions in all contests for Circuit and District officers, report that they have had the same under consideration, and respectfully recommend the passage of said bill.

Which report was concurred in.

Mr. Hawk, from the Committee on the Judiciary, made the following report :

MR. PRESIDENT :

The Judiciary Committee, to whom was referred Senate bill No. 162, introduced by Senator Lasselle, entitled a bill to provide for the service of process upon railroad companies, report that they have had the same under consideration, and respectfully recommend the passage of said bill.

Which report was concurred in.

Mr. Robinson, of Madison, from the Committee on the Judiciary, made the following report :

The Judiciary Committee, to whom was referred Senate bill No. 183, introduced by Senator Lasselle, entitled "An act to prohibit and punish secret associations not authorized by law," report that they have had the matter under consideration, and respectfully recommend that said bill lie on the table.

Which report was concurred in.

Mr. Robinson, from the Committee on the Judiciary, made the following report :

MR. PRESIDENT :

The Committee on the Judiciary, to whom was referred Senate bill 102, introduced by Senator Green, entitled " An act to amend the fifth division of section 324 of the second volume R. S. 1852, chapter 1 of an act to revise, simplify, and abridge the rules, practice, pleadings, and forms in civil cases in the courts of this State ; to abolish distinct forms of actions at law, and to provide for the administration of justice in a uniform mode of pleading and practice without distinction between law and equity, report that they have had the same under consideration, and recommend the following amendment, to-wit : Insert after the word " give," in line 27 of page 1 of said bill, the words " all special instructions asked by parties, and approved and all," and upon the adoption of said amendment, respectfully recommend the passage of said bill.

Which report was concurred in.

Mr. Scott, from the Committee on the Judiciary, submitted the following report :

MR. PRESIDENT :

The Committee on the Judiciary to whom was referred Senate bill No. 184, introduced by Senator Cravens, entitled " A bill to amend the 19th section of an act approved June 10th, 1853, entitled ' An act defining felonies and prescribing punishment therefor,' " report that they have had the same under consideration, and respectfully recommend the passage of said bill.

Which report was concurred in.

Mr. Caven Chairman of the Committee on the Judiciary, made the following report :

MR. PRESIDENT :

The Judiciary Committee to whom was referred Senate bill No. 170, introduced by Senator Lasselle, entitled " an act to revise and amend section 13 of an act entitled an act providing for an organ-

ization of Circuit Courts, the election of Judges thereof, and defining their powers and duties," report that they have had the same under consideration, and respectfully recommend that said bill do lie on the table.

Which report was concurred in.

Mr. Caven, Chairman of the Committee on the Judiciary, made the following report :

MR. PRESIDENT :

The Judiciary Committee to whom was referred Senate bill No. 196, introduced by Senator Caven, entitled "an act defining the crimes of grand and petit larceny, and prescribing punishment therefor, and repealing sections 19 and 20 of an act defining felonies, and prescribing punishment therefor," report that they have had the same under consideration, and respectfully recommend that said bill lie on the table.

Which report was concurred in.

SPECIAL ORDER.

Senate bill No. 94. "A bill touching the consolidation of railroads, and declaring the effect of such consolidation," being the special order for this hour, was taken up.

Mr. Fisher offered the following amendment: Amend by adding another section as follows :

SEC. 5. That when one or more railroad companies lease for a term of years or perpetually, any other railroad or railroads, it shall be taken and considered that all such railroads have consolidated their stock, and they shall all come under the restrictions and limitations, and be entitled to all the privileges contained in the preceding sections of this act.

Which was adopted.

The bill as amended was then read a third time.

The question being, shall the bill pass ?

Those who voted in the affirmative were,

Messrs. Andrews, Armstrong, Bellamy, Carson, Case, Caven, Cravens, Denbo, Fisher, Fosdick, Gifford, Gray, Green, Hadley,

Hamilton, Hanna, Henderson, Hess, Hooper, Houghton, Huey, Huffman, Hughes, Humphreys, Jaquess, Johnson of Spencer, Johnson of Montgomery, Kinley, Lee, Morgan, Rice, Robinson of Madison, Robinson of Decatur, Stein, Turner, Wolcott, and Wood—37.

Those who voted in the negative were

Messrs. Beardsley, Bird, Bradley, Church, Howk, Lasselle, Scott, Sherrod, and Smith—9.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

Mr. Johnson of Montgomery, moved to take up Senate bill No. 133. An act amendatory of the act touching the removal and relocation of county seats.

Which was agreed to, and the bill was read a second time.

The following amendments thereto were adopted:

First: strike out the words "which reads as follows" where the same first occur in section one. Second: strike out all of section one, which is recapitulated. Third: strike out the words "a majority," and insert "fifty-five per cent." Fourth: strike out of section two the words "which reads as follows." Fifth: strike out of section two, the recapitulated section three.

The bill was then ordered to be engrossed for a third reading on to-morrow.

Mr. Henderson moved to lay the bill on the table.

Which was not agreed to.

RESOLUTIONS.

Mr. Andrews offered the following resolution.

Resolved, That two hundred copies of the report of the Directors and other Officers of the State Prison North, be printed for the use of the Senate, and fifty copies for the use of the Directors of said Prison.

Which was adopted.

Mr. Hughes moved that on to-morrow, Wednesday, at half past three o'clock, the Senate will go into Committee of the Whole, to consider those parts of the Governor's Message referred to the Committee.

Which was agreed to.

BILLS INTRODUCED.

Mr. Robinson, of Madison, introduced

Senate bill No. 212. An act to repeal Section 3 of an entitled an act authorizing the construction of plank, Macadamized and gravel roads, and to empower the same to make sale of a portion of their roads, and also to repeal an act amendatory thereof, approved March 11, 1867.

Which was read a first time, and referred to the Committee on Corporations.

Mr. Rice introduced

Senate bill No. 213. An act to encourage the republication of Blackford's Reports, and appropriating money to pay for the same.

Which was read a first time and referred to the Committee on the Judiciary.

Mr. Cravens introduced

Senate bill No. 214. An act to amend Sections one, two, three, four, five, six and seven, of the act approved March 11th, 1867, authorizing the construction of plank, gravel and Macadamized roads, adding an additional section limiting lands assessed to the construction of one road.

Which was read a first time.

Mr. Cravens moved the bill lie on the table, and two hundred copies be printed.

Which was agreed to.

Mr. Stein introduced

Senate bill No. 215. A bill to authorize counties to aid in the construction of Railroads, by taking stock in, and making donations to, Railroad Companies.

Which was read a first time.

Mr. Stein moved that the bill lie on the table, and two hundred copies be printed.

Which was agreed to.

SENATE BILLS ON SECOND READING.

Senate bill No. 8. An act to prevent prize fighting in the State of Indiana, defining the same, providing punishment therefor, and declaring an emergency.

Was read a second time, and ordered to be engrossed, and passed to a third reading on to-morrow.

Senate bill No. 70. An act to amend an act entitled an act authorizing the construction of plank, Macadamized and gravel roads, approved May 12, 1852.

Was read a second time, and the amendments thereto adopted, and ordered to be engrossed, and passed to a third reading on to-morrow.

Senate bill No. 83. A bill to amend section two of an act entitled an act making the register of sales of Michigan Road Lands and certified copies thereof evidence.

Which was read a second time, and the amendments thereto adopted.

Ordered, To be engrossed and passed to a third reading on to-morrow.

Senate bill No. 84. An act to repeal section thirty-one of an act entitled an act concerning real property and the alienation thereof, approved May 6th, 1852, was read a second time, and on motion, informally passed over.

Mr. Wolcott asked leave of absence for the Committee on Finance. Which was not granted.

Mr. Gray asked and obtained leave of absence for Mr. Elliott, on account of sickness in his family.

On motion of Mr. Gifford, the Senate adjourned.

TUESDAY AFTERNOON, 2 O'CLOCK.

The Senate met.

Message from the House by Mr. Merwin, Clerk thereof:

MR. PRESIDENT :

I am directed to inform the Senate that the House, in accordance with a concurrent resolution of to-day, proceeded to the election of officers of the Benevolent Institution, with the following result :

For President of the Board of Benevolent Institutions, Patrick H. Jameson received forty-four votes, and for the same office, Dr. George B. Walker received thirty-three votes.

For the office of Commissioner of the Hospital for the Insane, Dr. J. H. Woodburn received forty-four votes, and for the same office, Jas. S. Athon received thirty-two votes.

That for the office of Trustee of the Deaf and Dumb Asylum, Jno. M. Kitchen received forty-six votes, and for the same office, Dr. David McClure received thirty-four votes.

That for the office of Trustee of the Institution of the Blind, John Beard received forty-four votes, and for the same office, Jno. A. Tarlton received thirty-three votes.

Senate bill No. 131. An act to legalize and declare valid and effectual all the orders, judgments and proceedings made, rendered, had and held by and before the Court of Common Pleas of White county, in this State, beginning and held at the Court House in the town of Montecello, in said county, on the 23d day of March, 1868, and continuing from day to day for two weeks thereafter, and declaring an emergency, was read a second time and ordered to be engrossed, and passed to a third reading on to-morrow.

Mr. Gifford moved a call of the Senate.

The Secretary proceeded with the call.

The following Senators answered to their names :

Messrs. Andrews, Armstrong, Beardsley, Bird, Carson, Church, Cravens, Denbo, Fisher, Fosdick, Gifford, Gray, Green, Hamilton, Hanna, Hess, Houghton, Howk, Huey, Huffman, Humphreys,

Jaquess, Johnson of Spencer, Johnson of Montgomery, Lasselle, Lee, Morgan, Robinson of Madison, Robinson of Decatur, Scott, Smith, Stein, Taggart and Wolcott—34.

On motion of Mr. Fisher, a further call of the Senate was dispensed with.

SENATE BILLS ON THIRD READING.

Engrossed bill No. 123. A bill to amend the 17th Section of the act entitled "An act providing for the Organization of County Boards," approved June 17, 1852.

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Andrews, Beardsley, Bird, Church, Cravens, Denbo, Fosdick, Gifford, Green, Hamilton, Hooper, Houghton, Howk, Humphreys, Jaquess, Kinley, Lasselle, Lee, Morgan, Rice, Robinson of Madison, Scott, Smith, Stein, Taggart and Wolcott—27.

Those who voted in the negative were,

Messrs. Carson, Fisher, Gray, Hanna, Huey, Huffman, Johnson of Spencer, Johnson of Montgomery, and Robinson of Decatur—9.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

Engrossed Senate bill No. 81. An act to legalize the appraisement of the real estate of the State of Indiana, made in the year 1864, and declaring an emergency.

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Andrews, Armstrong, Beardsley, Carson, Church, Cravens, Denbo, Fisher, Fosdick, Gifford, Gray, Green, Hamilton, Hess,

Houghton, Howk, Huffman, Humphreys, Jaquess, Johnson of Spencer, Johnson of Montgomery, Kinley, Lasselle, Lee, Morgan, Rice, Robinson of Madison, Robinson of Decatur, Scott, Smith, Stein, Taggart and Wolcott—33.

Those who voted in the negative were,

Messrs. Hanna and Huey—2.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

Engrossed Senate bill No. 115. An act to amend the forty-ninth section of an act entitled an act to provide for the opening, vacating, and change of highways, approved March 9, 1861.

Which was read a third time.

The question being shall the bill pass?

Those who voted in the affirmative were,

Messrs. Andrews, Armstrong, Beardsley, Bird, Carson, Caven, Church, Cravens, Denbo, Fisher, Fosdick, Gifford, Gray, Green, Hamilton, Hanna, Hess, Houghton, Howk, Huey, Huffman, Humphreys, Jaquess, Johnson of Spencer, Johnson of Montgomery, Kinley, Lassell, Lee, Morgan, Robinson of Madison, Robinson of Decatur, Scott, Smith, Stein, Taggart and Walcott—36.

No Senator voting in the negative.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

Engrossed Senate bill No. 116. An act to prohibit any member of the Board of County Commissioners from acting in any other capacity, under or by virtue of any appointment from such Board, than as one of such Commissioners, and repealing all laws in conflict with this act, and declaring an emergency.

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Andrews, Armstrong, Beardsley, Bird, Carson, Caven,

Church, Cravens, Denbo, Fisher, Fosdick, Gifford, Gray, Green, Hamilton, Hanna, Hess, Houghton, Howk, Huey, Huffman, Humphreys, Jaquess, Johnson of Spencer, Johnson of Montgomery, Kinley, Lasselle, Lee, Morgan, Robinson of Madison, Robinson of Decatur, Scott, Smith, Stein, Taggart, Turner, Wolcott and Wood—38.

No Senator voting in the negative.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

Engrossed Senate bill No. 119. A bill to fix the times of holding the Courts of Common Pleas in the various counties composing the Fourth Common Pleas Judicial District, providing for the return of process, repealing all acts in conflict with the provisions of this act, and declaring an emergency.

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Andrews, Armstrong, Beardsley, Bird, Carson, Church, Cravens, Denbo, Fisher, Fosdick, Gifford, Gray, Green, Hamilton, Hanna, Hess, Houghton, Howk, Huey, Huffman, Humphreys, Jaquess, Johnson of Spencer, Johnson of Montgomery, Kinley, Lasselle, Lee, Morgan, Rice, Robinson of Madison, Robinson of Decatur, Scott, Smith, Stein, Taggart, Turner, Walcott and Wood.—38.

No Senator voting in the negative.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

Message from the House by Mr. Merwin, Clerk thereof.

MR. PRESIDENT :

I am directed by the Speaker of the House to inform the Senate that the Speaker has signed Senate enrolled act No. 144, entitled "An act to prevent the introduction and spread in this State of the Texas, or Spanish cattle fever, and declaring the bringing of Texas or Cherokee cattle into this State, or the purchasing of the same

at certain seasons of the year a misdemeanor, and prescribing the penalty therefor."

Also, that the Speaker has signed Senate enrolled act No. 145, entitled "An act to prevent the introduction and spread of a cattle disease commonly known as Texas or Spanish fever, by importation and introduction of cattle into the State of Indiana infected with or liable to impart to other cattle said disease, and providing for the recovery of damages caused by the introduction of such diseased cattle, from the owners of such cattle, and the same are herewith returned to the Senate.

Engrossed Senate bill No. 98. An act to provide for the assessment and collection of taxes for municipal purposes, on the shares of stock owned in banks or banking associations doing business in this State.

Was read a third time, and,

On motion of Mr. Green, it was made the special order for next Friday at half past two o'clock, P. M.

Engrossed Senate bill No. 35. A bill relative to docket fees, and declaring an emergency.

Was read a third time, and Mr. Hughes moved to recommit the bill to the Committee on Fees and Salaries, with the following instructions :

To amend by requiring the clerks of courts to report to the County Auditor the docket fees taxed, the amount paid over, and the amount due, and to file with the Auditors the receipts of the County Treasurers for the docket fees paid over to them. Also to provide, by proper amendment, for a full report of all fees received by Clerk and Sheriff to County Auditors, and the payment over to County Treasurers, to be transmitted to the Treasurer of State of all fees exceeding ——— thousand dollars, annually, to County Clerks, and all fees exceeding ——— thousand dollars annually, to Sheriffs.

Which was agreed to.

Engrossed Senate bill No. 27. An act authorizing the Bristol Hydraulic Company to erect and maintain a dam across the St. Joseph river at or near Bristol.

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Andrews, Armstrong, Beardsley, Bellamy, Bird, Carson, Caven, Church, Cravens, Fisher, Fosdick, Gifford, Green, Hamilton, Hanna, Hess, Houghton, Howk, Huey, Huffman, Hughes, Humphreys, Jaquess, Johnson of Spencer, Johnson of Montgomery, Kinley, Lee, Morgan, Rice, Robinson of Madison, Robinson of Decatur, Scott, Sherrod, Stein, Turner, Wolcott, and Wood—37.

Those who voted in the negative were,

Messrs. Lasselle and Smith—2.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

Engrossed Senate bill No. 96. "An act prohibiting Supreme, Circuit or Common Pleas Judges, Clerks of the Circuit Courts, Clerks of the Courts of the Common Pleas, Auditors, Treasurers, Record-ers, Sheriffs and their Deputies, from practicing law in any of the Courts of this State, except as in this act permitted, and prescribing punishment for the violation thereof."

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Andrews, Armstrong, Beardsley, Bellamy, Bird, Carson, Caven, Church, Cravens, Fisher, Gifford, Green, Hamilton, Hanna, Hess, Houghton, Howk, Huey, Huffman, Hughes, Humphreys, Jaquess, Johnson of Spencer, Johnson of Montgomery, Kinley, Lasselle, Lee, Robinson of Madison, Robinson of Decatur, Scott, Smith, Stein, Wolcott and Wood—34.

Those who voted in the negative were,

Messrs. Morgan and Sherrod—2.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

S. J.—23.

Engrossed Senate bill No. 93. "An act to regulate the practice as to reading, making and signing the record, and entries in the Circuit Courts and the Courts of Common Pleas, and to repeal all acts in conflict therewith."

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Andrews, Caven, Church, Fisher, Green, Hess, Howk, Huey, Jaquess, Rice, Robinson of Madison, Robinson of Decatur, Scott, Sherrod and Smith—15.

Those who voted in the negative were,

Messrs. Armstrong, Beardsley, Bellamy, Bird, Carson, Fosdick, Gifford, Hamilton, Hanna, Houghton, Huffman, Hughes, Humphreys, Johnson of Spencer, Johnson of Montgomery, Kinley, Lasselle, Lee, Morgan, Stein, Turner, Wolcott and Wood—23.

So the bill did not pass.

Engrossed Senate bill No. 152. "An act to amend section 2d of an act to provide for the protection of wild game, and defining the time in which the same may be taken or killed, and declaring the penalty for the violation of this act, and repealing all laws in consistent herewith," approved March 11th, 1867.

Was read a third time.

Mr. Cravens moved to indefinitely postpone the bill.

The ayes and noes were demanded by Messrs. Hughes and Wood.

Those who voted in the affirmative were,

Messrs. Andrews, Armstrong, Beardsley, Bellamy, Caver, Cravens, Fisher, Green, Hess, Hughes, Jaquess, Lasselle, Robinson of Madison, Robinson of Decatur and Wood—15.

Those who voted in the negative were,

Messrs. Bird, Carson, Fosdick, Gifford, Hamilton, Hanna

Houghton, Howk, Huey, Huffinan, Humphreys, Johnson of Spencer, Johnson of Montgomery, Kinley, Lee, Morgan, Rice, Scott, Sherrod, Smith, Stein, Turner and Wolcott—23.

So the motion to indefinitely postpone did not prevail.

Mr. Rice moved to re-commit the bill, with instructions to amend the law so as to allow persons to net quails on their own lands.

Mr. Scott moved to further amend by adding after the word pheasant the words "or net, or shoot any other kind of birds at any time, except where such birds are engaged in the destruction of fruit or grain."

Which was not agreed to.

The question then recurred upon Mr. Rice's motion.

Which was agreed to.

Engrossed Senate bill No. 114. "A bill to amend section 19 of an act entitled an act regulating the fees of officers, and repealing former acts in relation thereto, approved March 2d, 1855.

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Andrews, Beardsley, Caven, Fosdick, Hamilton, Hess, Houghton, Howk, Hughes, Jaquess, Johnson of Spencer, Kinley, Lasselle, Rice, Robinson of Madison, Robinson of Decatur, Scott, Stein and Wood—20.

Those who voted in the negative were,

Messrs. Armstrong, Bird, Carson, Fisher, Gifford, Hanna, Huey, Huffinan, Humphreys, Lee, Morgan, Smith, Turner and Wolcott—14.

So the bill failed for want of a constitutional majority.

Senate bill No. 142. A bill to revise and amend section 5 of the county surveyor's act.

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Armstrong, Andrews, Beardsley, Bellamy, Bird, Church, Fisher, Fosdick, Gifford, Green, Hamilton, Hess, Houghton, Howk, Huey, Huffman, Hughes, Humphreys, Jaquess, Johnson of Spencer, Johnson of Montgomery, Kinley, Lasselle, Lee, Morgan, Rice, Robinson of Madison, Robinson of Decatur, Scott, Smith, Stein, Turner, Wolcott and Wood—34.

Those who voted in the negative were,

Messrs. Carson and Cravens—2.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

RESOLUTIONS.

Mr. Stein offered the following resolution :

Resolved, That when the Senate adjourn it adjourns to meet tomorrow morning at 10 o'clock A. M.

Which was adopted.

Mr. Carson offered the following resolution :

WHEREAS, The taxes drawn from the people of this State for the last four years give just cause of alarm that the danger of repudiation of public debts has become imminent, and when properly considered, as shown by the Auditor's reports for the last four years, can not fail to impress every member of this General Assembly that these apprehensions are well founded.

AND WHEREAS, There has been drawn from the people by taxation, as paid into the several County Treasurers of this State for the last four years, the enormous sum of \$41,898,911.24, as follows

Total taxes levied for 1865	\$13,167,335 25
Total taxes levied for 1866..	10,167,836 39
Total taxes levied for 1867.....	8,165,736 77
Total taxes levied for 1868.....	10,398,004 60

AND WHEREAS, The following extraordinary taxes thus required

to be paid into the County Treasuries, are but a moiety of taxes paid by the people.

AND WHEREAS, The taxes levied by our towns and cities have become alike oppressive upon the people,

AND WHEREAS, The fees, perquisites, and emoluments paid to our several officers for specific services rendered in the discharge of their official duties, have become alike apprehensive,

AND WHEREAS, The distribution of the taxing powers of the State, the discretion given to inferior bodies and tribunals to tax the people and to make allowances to be paid out of their funds, has been seriously injurious to the public good and it is in a great measure the cause of our present embarrassment and delinquency ;

AND WHEREAS, The experience of the last four years demonstrates the necessity of a reformation in the mode of assessment and levy of taxes, the making of allowances by Courts of Justice, Boards of Commissioners, Town, Township and School Trustees, and the Common Council of cities, and calls for a thorough revision of the whole subject of public expenditures with a view to economy in every department of the government ; therefore, be it

Resolved, That the Special Committee of one from each Congressional District be requested to prepare such measures as they may deem proper to remedy the evils recited in the foregoing preamble, and report by bill or otherwise.

Which was referred to a Special Committee of one from each Congressional District on Fees and Salaries.

On motion of Mr. Hamilton, the Senate adjourned.

WEDNESDAY MORNING, 10 o'clock, }
February 10, 1869. }

The Senate met.

The Journal of yesterday was partly read, when, on motion of Mr. Gifford, the further reading thereof was dispensed with.

PETITIONS, MEMORIALS, AND REMONSTRANCES.

Mr. Bellamy presented a petition from sundry citizens of Switzerland county, praying that the gravel road law may not be repealed.

Which was referred to the Committee on Corporations.

Mr. Gray presented the petition of sundry citizens of Randolph county, asking an amendment to the gravel road law.

Which was referred to the Committee on Corporations.

REPORTS FROM STANDING COMMITTEES.

Mr. Green, from the Committee on the Organization of Courts, made the following report :

MR. PRESIDENT :

The Committee on Organization of Courts, to whom was referred Senate bill No. 50, introduced by Senator Kinley, entitled "An act providing for the collection of forfeited recognizances," have had the same under consideration, and recommend its passage.

Which report was concurred in.

Mr. Wood, from the Committee on Education, made the following report :

MR. PRESIDENT :

The Committee on Education, to whom was referred Senate bill No. 168, entitled "An act to authorize Turnpike and Gravel Companies to increase their capital stock," respectfully return the same with the recommendation that it be referred to the Committee on Corporations.

Which report was concurred in.

Mr. Turner, from the Committee on Education, submitted the following report :

MR. PRESIDENT :

The Committee on Education, to whom was referred Senate bill No. 122, an act supplemental to "An act to authorize cities and towns to negotiate and sell bonds to procure means with which to erect and complete unfinished school buildings and pay debts contracted for erection of such buildings, and authorize the levy and collection of an additional special school tax for the payment of principal and interest of such bonds," approved March 11, 1867, respectfully return the same recommending its passage.

Which report was concurred in.

Mr. Turner, from the Committee on Education, made the following report :

MR. PRESIDENT :

The Committee on Education, to whom was referred Senate bill No. 207, entitled an act to amend section 37 of an act entitled "An act to provide for a general system of common schools, the officers thereof, and their respective duties and powers, and matters properly connected therewith, and prescribing the fees for certain officers therein named, and for the establishment and regulation of township libraries, and to repeal all laws inconsistent therewith, providing penalties therein prescribed," approved March 6, 1865, respectfully return the same with the recommendation that it be laid upon the table.

Which report was concurred in.

Message from the Governor, by John M. Commons, his private Secretary :

Gentlemen of the Senate :

I beg leave to inform you that Senate bill No. 144, entitled "An act to prevent the introduction and spread in this State of the Texas or Cattle Fever," &c., is very imperfectly enrolled. It is marred by erasures and interlineations, and in at least one instance one word has been substituted for another to the injury of the sense of the sentence in which it occurs.

I respectfully ask that the bill may be recalled and properly enrolled before it is approved and filed in the office of the Secretary of State.

CONRAD BAKER.

Mr. Houghton moved that the bill referred to in the Governor's message be recalled and properly enrolled.

Which was agreed to.

Mr. Kinley, from the Committee on Education, made the following report :

MR. PRESIDENT :

The Committee on Education, to whom was referred Senate bill No. 169, entitled " An act to authorize the Common Councils of incorporated cities to act as School Trustees, defining their powers and duties, prescribing the manner of assessing and collecting the school taxes of such cities, prescribing certain duties of City Clerks and Treasurers, and County Auditors and Treasurers, in relation to school matters, repealing conflicting laws, and declaring an emergency," respectfully return the same with the recommendation that it be laid upon the table.

Which report was concurred in.

Mr. Scott, from the Committee on the Judiciary, made the following report :

MR. PRESIDENT :

The Judiciary Committee, to whom was referred Senate bill No. 53, introduced by Senator Caven, entitled " An act to authorize the formation of co-operative societies for the purchase or erection of dwellings or other building," report that they have had the same under consideration, and recommend the following amendments, to-wit :

Strike out Section 6, and insert the following in lieu thereof.

SEC. 6. Whenever there is sufficient money in the Treasury for the purpose, any stockholder may borrow from the Association any sum of money, by the surrender to the Association of any share or shares of stock he may own, but the amount he shall receive shall

not exceed the par value of the shares for the surrender of which such loan was made, and such loan shall be made upon the following terms and conditions to-wit:

Amend Section 14 by striking out all after the word "the" in the twelfth line, and all of the thirteenth line, and insert in lieu thereof the following words:

"Par value of all stock subscribed for and yet outstanding." And when so amended recommend its passage.

Which report was concurred in.

Mr. Caven, from the Committee on the Judiciary, made the following report:

MR. PRESIDENT:

The Committee on the Judiciary, to whom was referred Senate bill No. 159, introduced by Senator Lasselle, entitled a bill to revise and codify the laws of the State, report that they have had the same under consideration, and recommend the following amendments, to-wit:

Strike out after Section 1, the following words: "That the Governor is hereby authorized to appoint, with the advice and consent of the Senate, three Commissioners," and insert in lieu thereof the following: "That a joint committee of five, consisting of three members of the House of Representatives and two members of Senate, be appointed to sit during vacation," and upon the adoption of said amendment, recommend the passage of said bill.

Which report was concurred in.

Mr. Scott, from the Committee on the Judiciary, submitted the following report:

MR. PRESIDENT:

The Committee on the Judiciary, to whom was referred Senate bill No. 64, introduced by Senator Wolcott, entitled An act authorizing Voluntary Associations, formed under an act entitled an act concerning the organization of Voluntary Associations, and repealing former laws in reference, report that they have had the same under consideration, and recommend the following amendment, to-wit:

Insert the word "public" before the word "place" in the fourteenth line of Section one, and upon the adoption of said amendment, respectfully recommend the passage of said bill.

Which report was concurred in.

Mr. Scott, from the Committee on the Organization of Courts, made the following report:

MR. PRESIDENT:

The Committee on Organization of Courts, to whom was referred Senate bill No. 147, introduced by Senator Bradley, entitled An act creating the Ninth and Twelfth Judicial Circuits, and providing for the times of holding Courts therein, have had the same under consideration, and recommend that the word "creating" in the title, be stricken out, and the word "organizing" be inserted. With this amendment, they recommend the passage of the bill.

Which report was concurred in.

Mr. Scott, from the Committee on Organization of Courts, made the following report:

MR. PRESIDENT:

The Committee on Organization of Courts, to whom was referred Senate bill No. 179, introduced by Senator Robinson of Madison, entitled "An act to declare what counties shall constitute the first Judicial Circuit, creating the ——— and ——— Judicial Circuits, providing for return of process &c., thereof, for appointment and election of Judges and Prosecuting Attorneys thereof, repealing certain laws and declaring an emergency," have had the same under consideration, and recommend that the bill be laid upon the table.

Which report was concurred in.

Mr. Hanna, from the Committee on the Judiciary, made the following report:

MR. PRESIDENT:

The Judiciary Committee, to whom was referred Senate bill No. 148, introduced by Senator Bellamy, entitled "An act to legalize the acknowledgment of all deeds, mortgages and other instru-

ments required to be recorded, taken and certified by Notaries Public who took and certified such acknowledgments after the expiration of their commission," report that they have had the same under consideration, and recommend the following amendment, to-wit: insert the words "executed in good faith," after the word "instruments" in line 11 section 1, and upon the adoption of said amendment respectfully recommend the passage of the bill.

Which report was concurred in.

Mr. Stein, from the Committee on the Judiciary, made the following report :

MR. PRESIDENT :

The Committee on the Judiciary, to whom was referred Senate bill No. 164, introduced by Senator Bradley, "An act to authorize the amendment of bills of exception in certain cases therein mentioned," report that they have had the same under consideration, and recommend the accompanying title to be given to said bill.

Which report was concurred in.

Mr. Stein, from the Committee on Organization of Courts, made the following report :

MR. PRESIDENT :

The Committee on the Organization of Courts, to whom was referred Senate bill No. 201, "An act to revise and amend an act entitled an act to amend section 5 of an act entitled an act providing for an organization of Circuit Courts, the election of Judges thereof, and defining their powers and duties, approved June 1, 1852, and providing for Criminal and Civil Circuit Courts," approved December 20, 1865, approved March 8, 1867, have had the same under consideration, and recommend the passage of the bill.

Which report was concurred in.

Mr. Howk, from the Committee on the Judiciary, made the following report :

MR. PRESIDENT :

The Judiciary Committee, to whom was referred Senate bill No. 136, introduced by Senator Denbo, entitled "A bill to authorize the reference of trials to Master Commissioners, and defining

their duties relating thereto, and the power of Courts referring the same," report that they have had the same under consideration, and respectfully recommend that said bill lie on the table.

Which report was concurred in.

Mr. Howk, from the Committee on the Judiciary, made the following report :

MR. PRESIDENT :

The Judiciary Committee, to whom was referred Senate bill No. 103, entitled an act to amend section seven of an act regulating the granting of divorces, nullification of marriages, and decrees and orders of court incident thereto, report that they have had the same under consideration, and respectfully recommend that said bill lie on the table.

Which report was concurred in.

Mr. Hooper, from the Committee on Corporations, made the following report :

MR. PRESIDENT :

The Committee on Corporations, to whom was referred Senate bill No. 124, entitled "An act to amend section one of an act entitled an act to repeal all general laws now in force for the incorporation of cities, prescribing their powers and rights, and the manner in which they shall exercise the same, and to regulate such other matters as properly pertain thereto, approved March 14, 1867, have had the same under consideration, and do now report the same back to the Senate and recommend that the bill be laid on the table, there being another bill to the same effect, in which are incorporated more liberal terms.

Which report was concurred in.

Mr. Green, from the Committee on Corporations, made the following report :

MR. PRESIDENT :

The Committee on Corporations, to whom was referred Senate bill No. 151, entitled "An act to enable cities to aid in the construction of railroads and water powers, have had the same under

consideration, and do now report the same back to the Senate and recommend that the bill be amended as follows :

Amend by inserting after the word "many," in the fourth line, section one, the words, "upon a petition of a majority of the freeholders of such city," and when so amended, that the bill pass.

Which report was concurred in.

Mr. Rice, from the Committee on Corporations, made the following report :

MR. PRESIDENT :

The Committee on Corporations, to whom was referred Senate bill No. 171, an act to authorize the construction of plank, macadamized and gravel roads, approved May 12, 1852, and the acts amendatory thereto, have had the same under consideration, and do now report the same back to the Senate, and recommend that it lie on the table.

Which report was concurred in.

Mr. Hooper, from the Committee on Corporations, made the following report :

MR. PRESIDENT :

The committee to whom was referred Senate bill No. 199, entitled an act to amend sections 1 and 3 of an act entitled "An act to repeal all *general laws* now in force for the incorporation of cities, and to provide for the incorporation of cities, prescribing their powers and rights, and the manner in which they shall exercise the same, and to regulate such other matters as properly pertain thereto," approved March 14th, 1867, have had the same under consideration, and do now report the same back to the Senate, and recommend its passage.

Which report was concurred in.

Mr. Rice made the following report from the Committee on Corporations :

MR. PRESIDENT :

The Committee on Corporations, to whom was referred Senate bill No. 205, entitled "A bill to revise and amend the 79th section

of an act entitled 'An act to repeal all general laws now in force for the incorporation of cities, and providing for the incorporation of cities, prescribing their powers and rights, and the manner in which they shall exercise the same, and to regulate such other matters as properly pertain thereto,' approved March 14th, 1867, have had the same under consideration, and do now report the same back to the Senate, and recommend that the bill be amended as follows: Amend by inserting after the word "of," on the third line of section 1 these words: "and own freehold in;" also, that the following proviso be added: "*Provided, however,* that no ward so created shall contain less than 300 inhabitants," and when so amended that the bill pass.

Which report was concurred in.

Mr. Fisher, from the Committee on Public Printing, to whom was referred the memorial from the State Board of Agriculture, on the subject of printing and publishing the reports of said Board, have had that subject under consideration, and have instructed me to report the following bill: "A bill making appropriations for publishing the reports of the State Board of Agriculture."

Which report was concurred in.

Mr. Hadley, from select committee, made the following report:

MR. PRESIDENT:

The special committee, to whom was referred a Senate resolution of inquiry, concerning the proposed donation by Hancock county to secure the location of the Agricultural College at Greenfield, have taken the proper steps to secure the necessary information, and as a result of their effort beg leave herewith to submit a certified copy of an order of the Board of Commissioners of said county bearing upon the subject, for the information of the Senate.

Which report was concurred in, and the certified order contained therein was referred to the Committees on Education and Agriculture.

Mr. Armstrong, from select committee, made the following report:

MR. PRESIDENT:

The Special Joint Committee of the Senate and House of Representatives, appointed to inquire into the expediency and propriety

of establishing a Reformatory and Prison for Females, have performed the duty assigned them, and have directed me to report in favor of the passage of Senate bill No. 182.

Which report was concurred in.

Mr. Johnson, of Montgomery, moved to take up

Senate bill No. 149. An act to amend the 17th section of an act regulating the fees or officers, and repealing former acts in relation thereto, approved March 2d, 1865.

Which, on motion,

Was recommitted to the Committee on the Rights and Privileges of the Inhabitants of the State.

SENATE BILLS INTRODUCED.

Mr. Kinley introduced

Senate bill No. 217. An act regulating the fees of County Officers, and declaring an emergency.

Which was read a first time and referred to the Committee on Fees and Salaries.

Mr. Green introduced

Senate bill No. 218. A bill for the better regulation of Traffic on Railroads, and to facilitate trade and intercourse thereon.

Which was read a first time and 200 copies ordered to be printed.

Mr. Reynolds introduced

Senate bill No. 219. An act to amend section three of an amendatory act for the regulation of weights and measures, approved June 9, 1852, and declaring an emergency.

Which was read a first time and referred to the Committee on Agriculture.

Mr. Kinley introduced

Senate bill No. 220. A bill authorizing parties losing money or valuable property on gaming or betting, to sue and recover the same of parties winning such money or valuable property.

Was read a first time and referred to the Committee on Rights and Privileges of the Inhabitants of the State.

Mr. Lasselle introduced

Senate bill No. 221. An act to revise and amend Sections 6, 15, and 29, and to repeal Section 30 of the General Election Law of 1852, and to repeal the Registry Law of 1867.

Which was read a first time and referred to the Committee on Elections.

Mr. Lee introduced

Senate bill No. 222. An act to legalize certain defective and irregular tax assessments for the year 1868, in incorporated cities, and declaring an emergency.

Which was read a first time.

Mr. Cravens moved the rules be suspended, and the bill be read a second and third times now.

The ayes and noes were taken under the Constitution.

Those who voted in the affirmative were,

Messrs. Andrews, Armstrong, Beardsley, Bird, Bradley, Case, Caven, Church, Cravens, Fisher, Fosdick, Gifford, Gray, Green, Hadley, Hamilton, Henderson, Hess, Hooper, Houghton, Hawk, Huey, Huffman, Humphreys, Jaquess, Johnson of Spencer, Johnson of Montgomery, Kinley, Lasselle, Lee, Morgan, Rice, Reynolds, Robinson of Decatur, Scott, Smith, Stein, Turner, Wolcott and Wood—10.

No Senator voting in the negative.

So the rules were suspended.

The question then being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Andrews, Armstrong, Beardsley, Bellamy, Bird, Bradley, Case, Caven, Church, Cravens, Fisher, Fosdick, Gifford, Gray, Green, Hadley, Hamilton, Henderson, Hess, Hooper, Houghton, Hawk, Huey, Huffman, Humphreys, Jaquess, Johnson of Spencer, Johnson of Montgomery, Kinley, Lasselle, Lee, Morgan, Rice, Reynolds, Robinson of Decatur, Scott, Smith, Stein, Turner, Wolcott and Wood—41.

No Senator voting in the negative.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

Mr. Houghton introduced

Senate bill No. 223. An act appropriating the sum of fifteen thousand dollars for the completion of the building now occupied by the Officers of State and Supreme Court, and for paving the sidewalks fronting and around the same.

Which was read a first time, and passed to a second reading on to-morrow.

Mr. Hadley introduced

Senate bill No. 224. An act legalizing the use of a seal, purporting to be the seal of the Adjutant General's office, and providing for an official seal for said office.

Which was read a first time, and referred to the Committee on the Judiciary.

Mr. Kinley introduced

Senate bill No. 225. An act changing the name of the Indiana State Board of Agriculture.

Which was read a first time, and referred to the Committee on Agriculture.

Mr. Kinley introduced

Senate bill No. 226. An act to amend an act, entitled an act to provide for the protection of fish, defining the time in which they may be netted, trapped or seined, affixing a penalty for the violation of this act, and declaring an emergency, approved March 9th, 1867.

Which was read a first time, and passed to a second reading on to-morrow.

Mr. Lasselle offered the following concurrent resolution:

Resolved by the Senate, the House concurring, That the thanks of the members of this General Assembly are hereby tendered to the citizens of Terre Haute, for the kindness and hospitality extended to them on their late visit to the Normal Institute, in that city.

Which was adopted.

Mr. Church offered the following resolution :

Resolved, That when the Senate adjourns, it be until three o'clock this afternoon.

Which was adopted.

Mr. Gray offered the following resolution :

Resolved, That the Doorkeeper is hereby instructed to employ a competent gasfitter to put in repair the gas-fixtures of the Senate Chamber, so as to completely prevent the escape of gas therefrom.

Which was adopted.

Mr. Robinson of Decatur, offered the following resolution :

WHEREAS, The amendment to the turnpike law, is of vital importance to the people of the State; and whereas there are numerous bills before Committees in each House, proposing various amendments to said law; and, whereas, it is important that some measure should at an early a day as possible be perfected, which shall meet the approbation of the Legislature, and the people; therefore,

Resolved by the Senate, the House concurring thereto, That there be appointed a Joint Select Committee of three members of the Senate, and six members of the House, to which all bills and petitions on that subject shall be referred, with instructions to report at as an early day as possible; and that Committees having charge of such bills and petitions are hereby instructed to return the same to their respective Houses for the purpose of being so referred.

Which was not adopted.

Mr. Hughes moved to reconsider the vote by which Senate bill No. 94 was passed, and moved to lay the motion on the table, pending, which on motion by Mr. Church, the Senate adjourned.

WEDNESDAY, 3 O'CLOCK, P. M.

Senate met.

Mr. Hughes withdrew the motion to lay his motion to reconsider the vote by which Senate bill No. 94 was passed upon the table, which was pending adjournment at noon.

Mr. Hanna offered the following resolution:

Resolved, That the House of Representatives be requested to send back to the Senate; Senate bill No. 94 heretofore passed the Senate, and transmitted to said House.

The question being, shall the resolution be adopted?

The ayes and noes were demanded by Messrs. Cravens and Robinson of Madison.

Those who voted in the affirmative were,

Messrs. Beardsley, Bird, Bradley, Carson, Case, Church, Fosdick, Gray, Hadley, Hanna, Hooper, Hawk, Hughes, Humphreys, Jaquess, Johnson of Spencer, Lasselle, Morgan, Reynolds, Scott, Sherrod and Turner—22.

Those who voted in the negative were,

Messrs. Andrews, Armstrong, Bellamy, Caven, Colley, Cravens, Denbo, Fisher, Gifford, Green, Hamilton, Henderson, Hess, Houghton, Huey, Huffnan, Johnson of Montgomery, Kinley, Lee, Rice, Robinson of Decatur, Smith, Wolcott and Wood—24.

So the resolution was not adopted.

Mr. Hughes renewed his motion to reconsider the vote by which Senate bill No 94 was passed.

The ayes and noes were demanded by Messrs. Cravens and Green.

Those who voted in the affirmative were,

Messrs. Beardsley, Bird, Bradley, Carson, Case, Church, Fosdick

Gray, Hadley, Hanna, Hooper, Howk, Hughes, Humphreys, Jaquess, Lasselle, Morgan Reynolds Scott, Sherrod and Turner—21.

Those who voted in the negative were,

Messrs. Andrews Armstrong, Bellamy, Caven, Colley, Cravens? Fisher, Gifford, Green, Hamilton, Henderson, Hess, Houghton, Huey, Huffman, Johnson of Spencer, Johnson of Montgomery, Kinley, Lee, Rice, Robinson of Decatur, Smith, Stein, Wolcott and Wood—25.

So the motion to reconsider did not prevail.

SPECIAL ORDER.

Senate bill No. 158, which was made the special order for 2.30 of to-day, was, on motion of Mr. Hooper postponed, and made the special order to-morrow at 10.30 A. M.

On motion of Mr. Church, Senate bill No. 84, which was informally passed on yesterday, was ordered to be engrossed for a third reading on to-morrow.

The special order for this hour being the consideration of certain portions of the Governor's message, the Senate resolved itself into a Committee of the whole Senate.

Mr. Stein in the Chair.

After some time spent in the consideration of the portions of the Governor's message referred to, the Committee arose, and through its Chairman, made the following report :

MR. PRESIDENT :

The Committee of the whole Senate, having had under consideration portions of the Governor's message, have instructed me to report that they have made some progress therein, and ask leave to sit again.

Which was concurred in.

Mr. Gifford offered the following resolution :

Resolved, That when the Senate adjourns it adjourn to meet to-morrow at 10 o'clock.

Which was adopted.

On motion by Mr. Rice, the Senate adjourned.

THURSDAY MORNING, 10 o'clock, }
February 11, 1869. }

The Senate met.

The Journal of yesterday was partly read, when,

On motion by Mr. Gifford,

The further reading thereof was dispensed with.

PETITIONS, MEMORIALS AND REMONSTRANCES.

Mr. Wolcott laid before the Senate copies of letters from Senator Morton and others in relation to Indiana War Claims.

Which were referred to the Committee of the Whole Senate.

Mr. Caven presented the claim of Wm. Hannaman for services as Military Claim Agent in the city of Indianapolis, Ind., under appointment of the Governor of Indiana, for \$2,700.

Which was referred to the Committee on Claims.

Mr. Hughes presented the petition of sundry citizens of Knox county recommending to the Senate the favorable consideration of the memorials of Capt. Samuel McCormick and others.

Which was referred to the Committee on Military Affairs.

REPORTS FROM STANDING COMMITTEES.

Mr. Gifford, from the Committee on Agriculture, made the following report:

MR. PRESIDENT:

The Committee on Agriculture, to whom was referred Senate bill No. 225, entitled "An act changing the name of the Indiana State Board of Agriculture," have had the same under consideration, and directed me to report the bill back and recommend its passage.

Which report was concurred in.

Mr. Huffinan, from the Committee on the Rights and Privileges of the Inhabitants of the State, made the following report :

MR. PRESIDENT :

The Committee on the Rights and Privileges of the Inhabitants of the State, to whom was referred Senate bill, No. 220. A bill authorizing parties losing money or valuable property on gaming or betting to sue for and recover the same of parties winning such money or valuable property, have had the same under consideration, and have instructed me to report the same, recommending an amendment by striking out the 3d section, and when so amended recommend its passage.

Which report was concurred in.

The following message from the Governor was received :

EXECUTIVE DEPARTMENT, }
INDIANAPOLIS, February 11, 1869. }

MR. PRESIDENT :

I am directed by the Governor to respectfully inform the Senate that he has approved and signed, enrolled act No. 144, entitled "An act to prevent the introduction and spread in this State of the Texas or Spanish cattle fever, and declaring the bringing of Texas or Cherokee cattle into this State or the purchasing of the same at certain seasons of the year, a misdemeanor and prescribing the penalty therefor.

Also, enrolled act No. 145, entitled "An act to prevent the introduction and spread of a cattle disease commonly known as Texas or Spanish cattle fever, by the importation and introduction of cattle into the State of Indiana infected with or liable to impart to other cattle said disease, and providing for the recovery of damages caused by the introduction of such diseased cattle, from the owners of such cattle," and that the same have been deposited in the office of the Secretary of State.

JOHN M. COMMONS,
Private Secretary.

Mr. Johnson, of Spencer, from the Committee on the Rights and

Privileges of the Inhabitants of the State, made the following report:

MR. PRESIDENT:

The Committee on the Rights and Privileges of the Inhabitants of the State, to whom was referred Senate bill, No. 172, entitled "An act to exempt burial grounds from an execution or other process," have had the same under consideration, and recommend the same to pass without amendment.

Which report was concurred in.

Mr. Bradley, from the Committee on the Rights and Privileges of the Inhabitants of the State, made the following report:

MR. PRESIDENT:

The Committee on the Rights and Privileges of the Inhabitants of the State, to whom was referred Senate bill, No. 209, entitled "An act providing for the forfeiture of estates for life when the owners thereof fail to pay the taxes assessed against the same," introduced by Senator Craven, have had the same under consideration and have instructed me to report the same back to the Senate, with the opinion of the Committee that legislation on the subject is inexpedient and that the Committee be discharged from further consideration thereof.

Which report was concurred in and the bill laid upon the table.

Mr. Jaquess, from the Committee on Military Affairs, submitted the following report:

MR. PRESIDENT:

The Committee on Military Affairs, to whom was referred the claim of Samuel McCormick, B. Johnson and others, for indemnity for time and money spent in defending suits against them by Andrew Humphries and others, for false imprisonment and assault and battery, have had the same under consideration, and have directed me to report the same back, and recommend that so much of said claim be allowed as will cover the amount of money actually paid out by them in going to and from, and while attending

said trials, said amount being one thousand and seventy-four dollars and ninety-five cents (\$1,074.95)

Mr. Hughes moved to refer the report to the Committee on Finance, with instructions to provide for the payment of the amount allowed by the Committee on Claims, in the specific appropriation bill.

Mr. Hughes moved the previous question, which was seconded by the Senate.

The ayes and noes were demanded by Messrs. Johnson of Spencer, and Hadley.

The question being upon the motion to refer the report with instructions.

Those who voted in the affirmative were,

Messrs. Beardsley, Bellamy, Case, Caven, Church, Colley, Cravens, Fisher, Hamilton, Hess, Hooper, Houghton, Hughes, Jaquess, Johnson of Spencer, Kinley, Rice, Reynolds, Robinson of Decatur, Scott, Stein, and Wolcott—22.

Those who voted in the negative were,

Messrs. Andrews, Bird, Bradley, Carson, Denbo, Fosdick, Gifford, Gray, Hadley, Hanna, Henderson, Huey, Huffman, Humphreys, Johnson of Montgomery, Lasselle, Lee, Morgan, Sherrod, Smith, Taggart, and Wood—22.

There being a tie, the Lieut. Governor gave the casting vote in the affirmative.

So the report was so referred.

SPECIAL ORDER.

Senate bill No. 158, "An act to provide for the public printing, regulating the prices to be paid therefor, fixing the time and mode of electing a State Printer, defining his duties, fixing compensation, and repealing all laws in conflict with this act," being the special order for this hour, was taken up and read a second time.

Mr. Johnson of Montgomery, offered the following amendment:

Amend section 7 by inserting at the end of section, the following: *Provided*, That said Commissioners shall not in any way directly, be interested in the public printing.

Mr. Hanna moved that the bill with the accompanying amendments, be referred to the Special Committee on Fees and Salaries.

Which was agreed to.

On motion by Mr. Church, the Senate adjourned.

THURSDAY, 2 O'CLOCK, P. M.

The Senate met.

RESOLUTIONS.

Mr. Bradley offered the following resolution:

Resolved, That when the Senate adjourns, it will adjourn until to-morrow at two o'clock in the afternoon.

Which was adopted.

Mr. Hadley asked and obtained leave of absence for the Committee on Military Affairs.

Mr. Johnson, of Montgomery, asked and obtained indefinite leave of absence for Mr. Hanna.

Mr. Bradley asked and obtained leave of absence for Mr. Johnson of Montgomery until Wednesday next.

REPORTS OF STANDING COMMITTEES.

Mr. Gray, from the Committee on Corporations, made the following report:

MR. PRESIDENT:

The Committee on Corporations, to whom was recommitted Senate bill No. 83, entitled an act to amend the 60th section of an act entitled an act to repeal all general laws now in force for the incorporation of cities, and to provide for the incorporation of cities, prescribing their powers and rights, and the manner in which they shall exercise the same, and to regulate such other matters as properly pertain thereto, approved March 14, 1867, have had the same under consideration, and do now report the same back to the Senate, with the following amendments:

Strike out the words "to that effect," on the fourth line of said section.

After the words "such city," on the third line of the second page, and insert the word "or."

After the words "such donation," on the ninth line of second page, and insert the words "and subscription to stock."

After the words "a road," on the second line of the third page, insert the following words, "or any other work or improvement of a public nature."

And when so amended recommend the passage of the bill.

Which report was concurred in.

Mr. Lee introduced

Senate bill No. 227. An act to fix the time of holding Courts of Common Pleas in the counties of Lawrence, Jackson, Jennings and Bartholomew, repealing inconsistent laws and declaring an emergency.

Was read a first time.

Mr. Lee moved that the rules be suspended, and the bill be read a second and third time now.

The ayes and noes were taken under the Constitution.

Those who voted in the affirmative were,

Messrs. Andrews, Armstrong, Beardsley, Bird, Bradley, Carson, Case, Caven, Church, Denbo, Fisher, Fosdick, Gifford, Gray, Green, Hadley, Hamilton, Henderson, Hess, Hooper, Houghton, Huey, Huffman, Hughes, Humphreys, Jaquess, Johnson of Spen-

cer, Johnson of Montgomery, Kinley, Lee, Morgan, Reynolds, Robinson of Decatur, Scott, Smith, Stein, Taggart, Wolcott and Wood—39.

Mr. Bellamy voted in the negative.

So the rules were suspended, and the bill was read a second and third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Andrews, Armstrong, Beardsley, Bellamy, Bird, Bradley, Carson, Case, Caven, Church, Cravens, Denbo, Elliott, Fisher, Fosdick, Gifford, Gray, Green, Hadley, Hamilton, Henderson, Hess, Hooper, Houghton, Huey, Huffman, Hughes, Humphreys, Jaquess, Johnson of Spencer, Johnson of Montgomery, Kinley, Lee, Morgan, Rice, Reynolds, Robinson of Decatur, Scott, Smith, Stein, Taggart, Wolcott and Wood—43.

No Senator voting in the negative,

So the bill passed.

Ordered, That the Secretary inform the House thereof.

Mr. Hadley, from the Committee on Military Affairs, submitted the following report:

MR. PRESIDENT:

The Committee on Military Affairs, to whom was referred the annual report of Military Claim Agent, have directed me to recommend for adoption the following resolution:

Resolved, That five hundred copies of the report of the Military Claim Agent be printed for the use of the General Assembly.

Which report was concurred in, and the resolution therein contained was adopted.

Mr. Caven, from the Committee on the Judiciary, made the following report:

• MR. PRESIDENT :

The Judiciary Committee, to whom was referred Senate bill No. 177, introduced by Senator Reynolds, entitled "A bill to prohibit the Clerks of Circuit and other courts from taking and certifying the declarations of intention of any alien to become a citizen of the United States, except as therein prescribed," report that they have had the same under consideration, and respectfully recommend the accompanying bill as a substitute therefor.

Which report was concurred in.

Mr. Caven, from the Committee on the Judiciary, submitted the following report :

MR. PRESIDENT :

The Judiciary Committee, to whom was referred Senate bill No. 28, introduced by Senator Caven, entitled "An act to amend the twenty-seventh section of an act entitled an act prescribing who may make a will, the effect thereof, what may be devised, regulating the revocation admission to probate, and contest thereof," report that they have had the same under consideration, and respectfully recommend that said bill lie on the table.

Which report was concurred in.

Mr. Stein, from the Committee on the Judiciary, made the following report :

MR. PRESIDENT :

The Judiciary Committee, to whom was referred Senate bill No. 65, entitled "An act to regulate the publication of legal advertisements," introduced by Senator Caven, have had the same under consideration, and recommend the following amendments :

1. After the word "advertisements," in the fourth line, the following clause, viz : "Which, by existing laws, are required to be published in weekly newspapers."

2. Strike out the word "shall," in the fifth line, and insert the word "may."

3. Strike out all of the proviso contained in the first section, and insert the following clause, viz : "But no more insertions per week shall be required in a daily than in a weekly newspaper."

4. Strike out the words "within the purview of," from the second section, and insert the words "in conflict with."

5. Strike out the last two lines of the third section, and insert the word "passage."

The amendments being adopted, the Committee recommend the passage of the bill.

Which report was concurred in.

BILLS INTRODUCED.

Mr. Jaquess introduced

Senate bill No. 228. An act to create a Department of Insurance, to provide suitable regulations therefor, to transfer the business of insurance from the office of Auditor of State to the Department of Insurance, and to define the duties of Insurance Companies in connection therewith.

Which was read a first time and referred to the Committee on Fees and Salaries.

Mr. Hamilton introduced

Senate bill No. 229. An act regulating the fees of County Clerks, County Treasurers, and County Auditors, and repealing all former acts in relation thereto, and declaring an emergency.

Which was read a first time and referred to the Committee on Fees and Salaries.

Mr. Church introduced

Senate bill No. 230. An act to amend section 4 of an act approved February —, 1865, entitled "An act appointing Commissioners to sell certain real estate therein named, to provide a residence for the Governor of the State, and to make him an allowance in lieu thereof until the same is provided, and matters properly connected therewith.

Was read a first time and referred to the Committee on Fees and Salaries.

SPECIAL ORDER.

Senate bill No. 197. An act to provide for an extended and improved system of education in the State of Indiana, by increas-

ing and securing the endowment of the State University at Bloomington; endowing a Law School, and Law Library therein by appropriating thereto any net revenues that may arise from the State Prisons, or either of them; providing free tuition in said University; establishing and endowing at Indianapolis a Medical Department of said University; providing for contingent expenses connected therewith, and for the sale or lease of square No. 25 in the city of Indianapolis; empowering said city to purchase said square; for the investment and management of the proceeds thereof, and the government of said Medical Department; declaring the State Normal School at Terre Haute a branch of said State University, and appropriating \$75,000 for the benefit thereof, and adding a Trustee; accepting certain donations from the Commissioners of Tippecanoe county and others; establishing an Agricultural College in connection with said State University, and fixing and pledging its location, and providing for its organization and government, and adding a Trustee; providing for matters pertaining to said subject, and declaring an emergency,

Which was made the special order for this hour, was taken up and read a second time.

Mr. Kinley moved to amend, by striking out from sections 1 to 14 inclusive. Also, section 16.

The ayes and noes were demanded by Messrs. Hughes and Stein.

Pending which

Mr. Cravens moved a call of the Senate, the following Senators answering to their names:

Messrs. Andrews, Armstrong, Beardsley, Bellamy, Bird, Bradley, Carson, Case, Caven, Church, Coley, Cravens, Denbo, Fisher Fossdick, Gifford, Gray, Green, Hadley, Hamilton, Henderson, Hess, Hooper, Houghton, Huey, Huffinan, Hughes, Humphreys, Jaquess, Johnson or Spencer, Johnson of Montgomery, Kinley, Lee, Morgan, Rice, Reynolds, Robinson of Decatur, Scott, Smith, Stein, Taggart, Turner, Wolcott, and Wood—44.

There being a quorum present,

Mr. Cravens moved that proceedings under the further call be dispensed with.

Which was agreed to.

The question being upon the adoption of the amendment.

Those who voted in the affirmative were,

Messrs. Bellamy, Carson, Case, Caven, Colley, Gifford, Gray, Hadley, Hess, Hooper, Huey, Huffman, Jaquess, Johnson of Spencer, Johnson of Montgomery, Kinley, Robinson of Decatur, Smith and Wood—19.

Those who voted in the negative were,

Messrs. Andrews, Armstrong, Beardsly, Bird, Bradley, Church, Cravens, Denbo, Fisher, Fosdick, Green, Hamilton, Henderson, Houghton, Hughes, Humphreys, Lee, Morgan, Rice, Reynolds, Scott, Stein, Taggart, Turner and Wolcott—25.

So the amendment was not adopted.

Mr. Fisher moved to amend the bill by striking out the 4th section thereof.

The ayes and noes were demanded by Messrs. Turner and Hughes.

Those who voted in the affirmative were,

Messrs. Armstrong, Beardsley, Bellamy, Bird, Carson, Case, Caven, Colley, Fisher, Fosdick, Gray, Green, Hadley, Huey, Huffman, Jaquess, Johnson of Spencer, Johnson of Montgomery, Kinley, Reynolds, Robinson of Decatur, Wolcott and Wood—23.

Those who voted in the negative were,

Messrs. Andrews, Bradley, Church, Cravens, Denbo, Gifford, Hamilton, Henderson, Hooper, Houghton, Hughes, Humphreys, Lee, Morgan, Rice, Scott, Smith, Stein, Taggart and Turner—20.

So the amendment was adopted.

Mr. Carson asked and obtained leave of absence for Mr. Lasselle.

Mr. Green asked and obtained leave of absence for Mr. Robinson of Madison.

Mr. Kinley moved to refer the bill to the Joint Committee on Education and Agriculture.

Mr. Turner moved to amend by referring to the Committee of the Whole Senate, and that it be made the Special Order for Tuesday next at 2:30 P. M.

Which was adopted.

On motion by Mr. Bradley, the Senate adjourned.

FRIDAY AFTERNOON, 2 o'clock, }
 February 12, 1869. }

The Senate met.

The Journal of yesterday was read.

PETITIONS, MEMORIALS AND REMONSTRANCES.

Mr. Kinley presented a petition from sundry citizens of Elkhart county, asking for the enactment of a prohibitory liquor law.

Which was referred to the Committee on Temperance.

Mr. Bellamy presented a memorial from the Trustees of Moore's Hill College, asking for a division of the Agricultural College fund.

Which was referred to the Joint Committee on Education and Agriculture.

Mr. Hess presented a memorial from the State Temperance Alliance.

Which was referred to the Committee on Temperance.

Mr. Gray presented sundry petitions from the citizens of Randolph county, Indiana, asking a law prohibiting the traffic in intoxicating liquors as a beverage.

Which was referred to the Committee on Temperance.

Mr. Stein presented a petition from sundry citizens of Tippecanoe county, praying for the repeal or amendment of the Gravel Road Law.

Which was referred to the Committee on Corporations.

Message from the House, by Mr. Merwin, Clerk thereof.

MR. PRESIDENT:

I am directed by the Speaker of the House of Representatives to inform the Senate that the Speaker has signed Senate Enrolled act No. 178, and the same is herewith returned to the Senate.

S. J.—25.

REPORTS FROM STANDING COMMITTEES.

Mr. Case, from the Committee on County and Township Business, made the following report:

MR. PRESIDENT:

The Committee on County and Township Business, to whom was referred Senate bill No. 166, An act providing for election precincts, and prescribing the duties of County Commissioners in relation thereto, introduced by Senator Cravens, having had the same under consideration, have instructed me to report the same back to the Senate, and recommend its passage.

Which report was concurred in.

Mr. Gifford, from the Committee on County and Township Business, made the following report:

MR. PRESIDENT:

The Committee on County and Township Business, to whom was referred Senate bill No. 155, entitled An act fixing the time when personal estate shall be listed, and defining the duties of Assessors, Boards of County Commissioners and Boards of Equalization, in relation thereto, have had the same under consideration, and have instructed me to report the bill back to the Senate, and recommend that it lie on the table.

Which report was concurred in.

Mr. Johnson of Spencer, from the Committee on the Rights and Privileges of the Inhabitants of the State, to whom was referred Senate bill No. 78, to repeal section 18 of the act entitled "An act regulating descents and the apportionment of estates," approved May 14, 1852, have had the same under consideration, and have directed me to report that the same be amended by inserting after the second section the following provision, to-wit:

Sec. 2. That section twenty-four of the said entitled act be and the same is hereby, amended to read as follows: "Sec. 34 If a man die intestate, leaving a widow and a child, or children not exceeding two, the personal property of such intestate shall be equally divided among the widow and children, the widow taking an equal share with one child; but if the number of children exceed two, the widow's share shall not be reduced below one-third of the whole."

Also, that the emergency clause of said bill be stricken out.

Also, that the title of said bill be amended by inserting after the words "section eighteen," the words "and to revise and amend section twenty-four."

Which report was concurred in.

A message from the House by Mr. Merwin, clerk thereof.

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bill thereof, to-wit:

House bill No. 248. A bill fixing the time of holding Circuit Courts in the several counties comprising the Fourth Judicial Circuit of this State, and declaring an emergency.

Also, House bill No. 202. A bill to make certain specific appropriations therein designated.

Also, House bill No. 6. A bill providing for the location, construction and use of lateral railroads, and for the assessment of damages occasioned by the location, construction and use of the same.

Also, House bill No. 59. A bill to fix the time of holding the Circuit Courts in the counties of Kosciusko and Noble of the 14th Judicial Circuit.

Also, House bill No. 64. A bill defining what counties shall constitute the 12th Judicial Circuit, and fixing the time of holding courts therein.

In all of which the concurrence of the Senate is respectfully requested.

And also, that the House has passed engrossed Senate bill No. 227, "A bill to fix the time of holding Courts of Common Pleas in the counties of Jennings, Lawrence, Jackson and Bartholomew, repealing all laws inconsistent therewith, and declaring an emergency."

SPECIAL ORDER.

Senate bill No. 98, introduced by Senator Green, and the special order for this hour was then taken up.

Mr. Hughes moved to recommit the bill, with instructions to so amend the bill as to require the payment of county, State, township and road taxes on stock in National Banks held by residents of the State of Indiana, be paid into the treasury of the county of the stockholder's residence.

Mr. Green moved to lay the motion to recommit upon the table.

Which was agreed to.

Mr. Cravens then moved to lay the bill upon the table.

Which was agreed to.

Message from the House by Mr. Merwin, clerk thereof.

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the House has passed the following Engrossed bills thereof, to-wit :

House bill No. 11. A bill to create the Twenty-first and Twenty-second Judicial Circuits, to fix the times of holding courts therein, to provide for the election of judges and prosecuting attorneys therein, and also to fix the times of holding the Spring term of the Court of Common Pleas of Miami County.

Also, House Bill No. 62. A bill to amend section 147, of an act entitled "An act to provide for a general system of common schools, the officers thereof, and their respective powers and duties and matters properly connected therewith, and prescribing the fees of certain officers therein named, and for the establishment and regulation of township libraries, and to repeal all laws inconsistent therewith, providing penalties therein prescribed," approved March 6th, 1865.

In which the concurrence of the Senate is respectfully requested

Message from the Governor by John M. Commons, Private Secretary thereof.

EXECUTIVE DEPARTMENT, }
 INDIANAPOLIS, February 11, 1869. }

Gentlemen of the Senate and House of Representatives:

By the act of March 7th, 1867, entitled an act to protect and indemnify officers and soldiers of the United States, and officers and soldiers of the Indiana Legion, for acts done in the military service, etc., the sum of three thousand dollars was appropriated for the purpose of employing competent council at the expense of the State, to conduct the defence in actions and prosecutions coming within the purview of said act, in pursuance of the provisions of the 8th section of said act; I herewith respectfully submit a statement of the disbursements made in pursuance of said act, with a schedule of the cases in which, and the names of the persons to whom payments were made. In all cases in which council was employed, it was done upon the written application of the persons against whom suits were commenced, the compensation being stipulated in advance, by agreements in writing, which agreements, with the written application of the defendants, and vouchers, will be submitted to the Assembly or any Committee thereof if desired.

CONRAD BAKER.

Which was referred to the Committee on Finance.

Mr. Bradley, from the Committee on the Rights and Privileges of the Inhabitants of the State, made the following report:

MR. PRESIDENT:

The Committee on the Rights and Privileges of the Inhabitants of the State, to whom was referred Senate bill, No. 149, entitled a bill to amend the 17th section of "An act regulating the fees of officers and repealing former acts in relation thereto," approved March 2, 1865, have had the same under consideration, and have instructed me to propose the following amendments thereto, and when so amended, to recommend its passage:

1st. Strike out all the 14th and 15th lines, and insert in lieu thereof the following, to-wit:

"To every witness attending court per day \$2.00.

2d. Strike out the 16th, 17th, 18th, 19th and 20th lines.

3d. Strike out "is" in the 26th line, and insert "are" in lieu thereof.

Which report was concurred in.

Mr. Bradley, from the Committee on Claims, made the following report :

MR. PRESIDENT :

The Committee on Claims, to whom was referred the claim of Frank D. Allen, herewith returned, have had the same under consideration, and have directed me to report the same to the Senate, and to recommend that the same be allowed, to-wit: the sum of twelve hundred and forty-two dollars (\$1,242.00) with interest thereon from the 2d day of January, 1868.

Which report was concurred in.

Mr. Reynolds, from the Committee on Agriculture, made the following report :

MR. PRESIDENT :

The Committee on Agriculture, to whom was referred Senate bill, No. 219, have had the same under consideration, and have directed me to report the bill back, and recommend that all after the emergency clause be stricken out, and the following section be submitted as a substitute for the original bill, and when so amended, recommend its passage :

An act to amend section first of an act to amend section third of an act for the regulation of weights and measures, approved June 9, 1852, and declaring an emergency.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That section first of an act, entitled an act to amend section third of an act, entitled an act for the regulation of weights and measures, approved June 9, 1852, approved February 28, 1855, be amended to read as follows, to-wit :

That sixty pounds of wheat (averdupois weight) shall be given and taken for a standard bushel; of shelled corn, fifty-six pounds; of corn on the cob, seventy pounds; of potatoes, sixty pounds; of clover seed, sixty pounds; of hemp seed, forty-four pounds; of buckwheat, fifty pounds; blue grass seed, fourteen pounds; castor beans, forty-six pounds; dried apples, twenty-five pounds, dried

peaches, thirty-three pounds; onions, forty-eight pounds; salt, fifty pounds; timothy seed, forty-five pounds; rye, fifty-six pounds; oats, thirty-three pounds; flax seed, fifty-six pounds; barley, forty-eight pounds; corn meal, fifty pounds; of mineral coal, eighty pounds; and two thousand pounds of hay shall be taken for a ton.

SEC. 2. It is hereby declared that an emergency exists, requiring that this act take effect and be in force from and after its passage. Therefore, this act shall be in force from and after its passage.

Which report was concurred in.

Mr. Fisher, from the Committee on Finance, submitted the following report :

MR. PRESIDENT :

The Committee on Finance, to whom was referred Senate bill No. 194, "A bill to make an appropriation for the payment to Sinking Fund, of money advanced to pay the expense of the erection of the building for the use of the Supreme Court and Officers of State," have had said bill under consideration and have instructed me to report the same back, with the following amendment: add in the proper place in the first section, the following: "four thousand three hundred and eighty-five dollars and twenty-two cents," and when so amended recommend its passage.

Which report was concurred in.

Mr. Johnson of Spencer, from the Committee on the Rights and Privileges of the Inhabitants of the State, to whom was referred Senate bill No. 106, "providing for the repeal of section 24 of an act regulating descents, and the apportionment of estates," approved May 14, 1852, have had the same under consideration, and have directed me to report that the provisions of said bill have been recommended by said Committee to be embraced in Senate bill No. 78, heretofore referred to them as an amendment thereto, now pending before the Senate, and therefore recommend that said bill No. 106, do lie on the table.

Which report was concurred in.

Mr. Denbo, from the Committee on County and Township Business, submitted the following report:

MR. PRESIDENT :

The Committee on County and Township Business, to whom was referred Senate bill No. 154, "An act to amend the sixth section of an act entitled an act to amend an act entitled an act for the election or appointment of Supervisors of Highways, and prescribing certain of their duties, and those of county and township officers in relation thereto," approved March 5, 1859, approved June 20, 1865, have had the same under consideration and report the same back, recommending that it lie on the table.

Which report was concurred in.

Mr. Case, from the Committee on County and Township Business, made the following report :

MR. PRESIDENT :

The Committee on County and Township Business, to whom was referred Senate bill No. 208, "An act to authorize Boards of County Commissioners to make allowances in certain cases," introduced by Senator Carson, having had the same under consideration, have instructed me to report the same back to the Senate, and respectfully recommend that the same be referred to the Select Committee on Fees and Salaries.

Which report was concurred in.

Mr. Fisher, from the Committee on Printing, submitted the following report :

MR. PRESIDENT :

The Committee on Printing, to whom was referred the memorial from the State Board of Agriculture on the subject of printing their reports, and in regard to a Geological Survey of the State, have heretofore reported a bill on the subject of printing reports, and now report back said memorial, and recommend that the portion of the memorial relating to a Geological Survey be referred to the Committee on Agriculture.

Which report was concurred in.

Mr. Case, from the Committee on County and Township Business, made the following report :

MR. PRESIDENT :

The Committee on County and Township Business, to whom was referred Senate bill No. 187, "An act to revise and amend an act in relation to the taxation of lands in towns and cities," introduced by Senator Cravens, having had the same under consideration, have instructed me to report the same back to the Senate, and recommend the following amendment, to-wit: strike out from the eighth line in section one, the words "or in part," and when so amended to recommend its passage.

Which report was concurred in.

Mr. Robinson of Madison, from the Committee on the Judiciary, made the following report :

MR. PRESIDENT :

The Judiciary Committee, to whom was referred Senate bill No. 175, introduced by Senator Hooper, entitled An act defining who shall be competent witnesses in any Court or judicial proceeding in this State, and to repeal all laws in conflict with the provisions of this act, report that they have had the same under consideration, and recommend the accompanying amendment, and when adopted, respectfully recommend the passage of said bill.

Amend by inserting after the word "witness" in the sixteenth line of section 2, the following words, to-wit: "and except also that in all suits on contract, where the contract was made with the wife as the agent of the husband, the wife shall be a competent."

Which report was concurred in.

Mr. Stein, from the Committee on the Judiciary, made the following report :

MR. PRESIDENT :

The Judiciary Committee, to whom was referred Senate bill No. 181, introduced by Senator Robinson of Madison, entitled An act to amend section 343 of an act entitled an act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the Courts of the State, to abolish distinct forms of actions at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and

equity, and declaring an emergency, report that they have had the same under consideration, and respectfully recommend the passage of said bill.

Which report was concurred in.

Mr. Lasselle, from the Committee on Military Affairs, made the following report :

MR. PRESIDENT :

The Committee on Military Affairs, to whom was referred Senate Joint Resolution No. 11, providing for the closing of the Soldier's Home at Knightstown, and authorizing the sale thereof by the Governor, have had the same under consideration, and have directed me to report that the adoption of the same is inexpedient, inasmuch as a large proportion of the inmates of said institution, consisting of orphans and seamen, for whom no provision is made in the national asylums, would be left without protection. They therefore recommend that said joint resolution do lie upon the table.

Which report was concurred in.

By unanimous consent of the Senate, Mr. Fisher presented the claim of Dr. H. H. Gillen, for services as special surgeon to the Second Indiana Cavalry.

Which was referred to the Committee on Claims.

Mr. Robinson of Madison, from the Committee on the Judiciary, made the following report :

MR. PRESIDENT :

The Judiciary Committee, to whom was referred Senate bill No. 213, introduced by Senator Rice, entitled A bill to encourage the republication of Blackford's Reports, and appropriating money to pay for the same, report that they have had the same under consideration, and respectfully recommend that said bill lie on the table.

Which report was concurred in.

Mr. Caven, from the Committee on the Judiciary made the following report :

MR. PRESIDENT :

The Judiciary Committee, to whom was referred Senate bill No. 224, introduced by Senator Hadley, entitled An act legalizing the

use of a seal purporting to be the seal of the Adjutant General's office, and providing for an official seal for said office, report that they have had the same under consideration, and respectfully recommend the passage of said bill.

Which report was concurred in.

Mr. Caven submitted the following report :

MR. PRESIDENT :

The Judiciary Committee, to whom was referred the petition of Wm. H. Montgomery, Senator elect from the district composed of the counties of Martin, Dubois and Pike, praying to be admitted to his seat in the Senate, in place of Aaron Houghton the sitting member, report, that they have had the same under consideration, and from the agreed state of facts admitted by the parties, it appears that said Aaron Houghton was elected Senator from the counties of Lawrence and Martin in October, 1866, that he was sworn in, and entered upon the duties of his office, that afterwards in October, 1867, he was duly appointed and commissioned by the Secretary of the Treasury of the United States as Assistant Assessor for Division No. 5 of the First Collection District of Indiana, and duly entered upon the discharge of the duties pertaining to said office, that at the general election in October, 1868, said Wm. H. Montgomery was elected Senator from said district, and received his credentials.

In Section 9, Article 2 of the Constitution of Indiana, it is declared that no person holding a lucrative office or appointment under the United States, or under this State, shall be eligible to a seat in the General Assembly.

The office of Assistant Assessor is, in the opinion of your Committee an appointment under the United States, created by the laws of the United States, and it is their opinion that by accepting such appointment, said Aaron Houghton vacated his office of Senator, and rendered himself ineligible to a seat in the General Assembly, and that Wm. H. Montgomery was duly elected to fill such vacancy, and is entitled to his seat in the Senate, your Committee therefore respectively report that Aaron Houghton has vacated his office of Senator, and that Wm. H. Montgomery is entitled to be admitted to his seat as Senator from said District, composed of the Counties of Martin, Pike and Dubois.

Mr. Cravens moved that the consideration of this report be made the special order for Wednesday next, at 10.30 A. M.

Which was agreed to.

Mr. Scott from the Committee on the Judiciary, made the following report:

MR. PRESIDENT:

The Judiciary Committee, to whom was referred Senate bill No. 200, introduced by Senator Robinson of Madison, entitled "An act to legalize the tax assessments for the year 1868 in certain incorporated cities," report that they have had the same under consideration, and respectively recommend the passage of said bill.

Which report was concurred in.

By the unanimous consent of the Senate, Mr. Hughes presented a memorial from R. H. Martindale of Green County, praying for an amendment to the laws concerning bastardy.

Which was referred to the Committee on the Rights and Privileges of the Inhabitants of the State.

RESOLUTIONS.

Mr. Hughes offered the following resolution:

Resolved, The House of Representatives concurring, that the Rev. Barnabas C. Hobbs, Superintendent of Public Instruction, be, and is hereby requested to deliver a public address on the educational institutions of the State, before the members of the Legislature, and the public generally, in the Hall of the House of Representatives, on Monday evening next at 7 o'clock.

Which was adopted.

Message from the House, by Mr. Merwin, Clerk thereof.

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed Senate Concurrent Resolution, relative to an address by the Rev. Barnabas C. Hobbs, and the same is herewith returned.

Mr. Hughes offered the following resolution :

Resolved, That the following paragraph in the *Evening Mirror*, of February 12, 1869, to-wit: "We are in the blissful receipt of what we presume is an *ex cathedra* defense of the dubious *status* of Judge Hughes, in the Senate. His disinterested and eloquent defender alleges, in mitigation of damages, that a gentleman of Hughes' exemplary habits, moral influence, literary and legal ability, and romantic disposition, cannot afford to occupy a seat in the Senate upon the usual terms; but that, in the character of an attorney, he appears in the Senate as the special and handsomely paid advocate of the Bloomington location," be referred to the Judiciary Committee, with instructions to inquire into the authorship and truth of the same, and with authority to send for persons and papers, and leave to set during the session of the Senate, and leave to report at any time.

Which was adopted.

Mr. Hooper offered the following resolution :

Resolved, That when the Senate adjourns, it adjourn until Monday next at 2 o'clock P. M.

Which was adopted.

BILLS INTRODUCED.

Mr. Cravens introduced

Senate bill No. 231. A bill to amend section two of an act to provide for a State Debt Sinking Fund, approved December 21st, 1865, making the Governor a member of the Board of State Debt Sinking Fund.

Mr. Cravens moved that the rules be suspended and the bill be read a second and third time now.

The ayes and noes were taken under the Constitution.

Those who voted in the affirmative were,

Messrs. Andrews, Armstrong, Beardsley, Bellamy, Bird, Bradley, Carson, Case, Caven, Church, Cravens, Denbo, Elliott, Fisher, Fosdick, Gifford, Gray, Green, Henderson, Hess, Hooper, Houghton, Huey, Huffman, Hughes, Humphreys, Johnson of Spencer, Johnson of Mont-

gomery, Kinley, Lasselle, Morgan, Rice, Reynolds, Robinson of Decatur, Robinson of Madison, Scott, Sherrod, Smith, Stein, Turner, and Wood—41.

No Senator voting in the negative.

So the rules were suspended, and the bill was read a second and third times.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Andrews, Armstrong, Beardsley, Bellamy, Bradley, Carson, Case, Caven, Church, Cravens, Denbo, Elliott, Fisher, Fosdick, Gifford, Gray, Green, Henderson, Hess, Hooper, Houghton, Huey, Hoffman, Hughes, Humphreys, Johnson of Spencer, Johnson of Montgomery, Kinley, Lasselle, Morgan, Rice, Reynolds, Robinson of Madison, Robinson of Decatur, Sherrod, Stein, Turner and Wood—38.

No Senator voting in the negative.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

Mr. Green introduced

Senate bill No. 232. A bill to repeal the 9th section of an act entitled an act to provide for the assessment and collection of taxes on the shares of stock, owned in Banks and Banking Associations doing business in this State, approved March 15, 1867.

Which was read a first time and referred to the Committee on the Judiciary.

Mr. Kinley introduced

Senate bill No. 233. An act to repeal an act entitled an act to authorize the formation of Companies for the detection and apprehension of horse thieves and other felons, and defining their powers, approved March 9, 1852.

Which was read a first time and referred to the Committee on the Judiciary.

Mr. Case introduced

Senate bill No. 234. An act to legalize and declare valid, acknowledgments of certain deeds of conveyance and other instruments in writing, which have been recorded in any of the Record-ers' offices in the several Counties in this State, and which, by reason of certain informalities in the certificates of acknowledgment or the authentication thereof, were not entitled to record.

Which was read a first time and referred to the Committee on the Judiciary.

Mr. Hooper introduced

Senate bill No. 235. An act to render taxation for Common School purposes uniform, regardless of the race or color of the persons to be taxed, and to extend the benefits of the Common School system to colored children.

Which was read a first time and referred to the Committee on Education.

On motion of Mr. Hooper, 200 copies were ordered printed.

Mr. Fosdick introduced

Senate bill No. 236. An act to amend Section 31 of an act entitled an act for the incorporation of towns, defining their powers, providing for the election of the officers thereof, and declaring their duties, approved June 11, 1852; amended by an act approved March 3, 1855, and as amended by an act approved March 5, 1857, and declaring an emergency.

Which was read a first time and referred to the Committee on Corporations.

Mr. Case introduced

Senate bill No. 237. An act to repeal section 119 of an act entitled "an act to provide for the valuation and assessment of the real and personal property, and the collection of taxes in the State of Indiana; for the election of township assessors, and prescribing the duties of assessors, appraisers of real property, county treasurers and auditors, and of the Treasurer and Auditor of State," approved June 21, 1852.

Which was read a first time, and referred to the Committee on County and Township Business.

Mr. Stein introduced

Senate bill No. 238. An act to amend section 200 of chapter one of an act entitled an act to revise, simplify, and abridge the rules, practice, pleadings, and forms in civil cases in the Courts in this State; to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform code of pleading and practice, without distinction between law and equity; approved June 18, 1852, and declaring an emergency.

Which was read a first time, and referred to the Committee on the Judiciary.

Mr. Bird introduced

Senate bill No. 239. An act authorizing the classification of the board of directors of railroad companies.

Which was read a first time, and referred to the Committee on Corporations.

Mr. Caven introduced

Senate bill No. 240. An act to authorize the incorporation of societies for the study and practice of dentistry, defining their powers and declaring an emergency.

Which was read a first time, and referred to the Committee on Medical Jurisprudence.

Mr. Carson moved a suspension of the order of business, and that Senate bill No. 180, "an act to authorize Judges of Courts of Common Pleas to appoint Judges to hold adjourned Courts, and providing compensation for the same," be taken up and put upon its passage.

Which was agreed to.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Bellamy, Bird, Bradley, Carson, Caven, Church, Cravens, Elliott, Fosdick, Green, Hess, Hooper, Huey, Hughes, Johnson of Spencer, Kinley, Lasselle, Robinson of Madison, Robinson of Decatur, Scott, Stein and Wood—22.

Those who voted in the negative were,

Messrs. Andrews, Armstrong, Beardsley, Case, Fisher, Gifford, Gray, Henderson, Houghton, Huffman, Humphreys, Johnson of Montgomery, Morgan, Rice, Reynolds, Sherrod and Turner—17.

So the bill failed for want of a constitutional majority.

Mr. Green moved that

Senate bill No. 218. An act for the better regulation of traffic on railroads, and to facilitate trade and intercourse therein, be taken from the table and referred to the Committee on Corporations.

Which was agreed to.

On motion of Mr. Hughes,

The Senate resolved itself into a Committee of the Whole to take into consideration certain portions of the Governor's Message, Mr. Cravens in the chair.

Mr. Cravens, Chairman of the Committee of the Whole Senate, made the following report :

MR. PRESIDENT :

I am directed by the Committee of the Whole to report the following resolutions to the Senate :

1. *Resolved*, That no legislative action is necessary on so much of the Governor's message as relates to the settlement of the old internal improvement bonds held by the General Government, and that the further consideration of the same be indefinitely postponed.

2. *Resolved*, That the Committee on Finance be instructed to prepare and report a bill for the payment of the interest due and to become due on the principal of all bonds that are now due or overdue, and on the old internal improvement bonds now outstanding.

3. *Resolved*, That so much of the Governor's message as refers to the settlement of the war claims of the State of Indiana against the General Government, and especially the action of the Adjutant General, and the contract made by him with an agent at Washington, with accompanying papers, be referred to the Committee on Finance.

Which report was concurred in, and,
On motion, the first resolution was adopted.

Mr. Gifford moved that the remaining resolutions be made the special order for next Tuesday at 10 o'clock, A. M.

Which was agreed to.

Mr. Cravens moved that

Senate bill No. 214 be taken from the table and referred to the Committee on Corporations.

Which was agreed to.

Mr. Kinley moved that

Senate bill No. 36 be taken from the table and made the special order for next Thursday at 2 o'clock P. M.

Which was agreed to.

On motion of Mr. Johnson, of Spencer,

Senate bill No. 4, "An act authorizing the Superintendent of Public Instruction to adopt a general and uniform system of book-keeping for Township Trustees," was taken from the table and placed upon file.

Mr. Rice asked and obtained leave of absence for Mr. Taggart.

Mr. Kinley asked and obtained leave of absence for Mr. Smith.

Mr. Robinson, of Decatur, asked and obtained leave of absence for Mr. Armstrong.

Mr. Church asked and obtained leave of absence for Mr. Rice and Mr. Hooper until Tuesday morning next.

Mr. Bird asked and obtained leave of absence for Mr. Morgan.

Mr. Armstrong asked and obtained leave of absence for Mr. Hamilton.

On motion by Mr. Gifford,

The Senate adjourned.

MONDAY MORNING, 10 o'clock, }
February 15th, 1869. }

The Senate met.

The journal of Friday was read.

PETITIONS, MEMORIALS AND REMONSTRANCES.

Mr. Caven presented the claim of J. Morrison against the State for services as Attorney.

Which was referred to the Committee on Claims.

Mr. Robinson of Madison presented a petition from sundry citizens of Delaware county, asking for a Homœopathic Department in the proposed Medical College at Indianapolis.

Which was referred to the Committee on Medical Jurisprudence.

Mr. Scott presented a petition from sundry citizens of Vigo county, asking for the establishment of a Homœopathic Department in the proposed Medical College at Indianapolis.

Which was referred to the Special Committee on Medical Jurisprudence.

Mr. Lee presented a petition from sundry citizens of the State of Indiana, asking for a Homœopathic Department in the proposed Medical College to be established in the City of Indianapolis.

Which was referred to the special committee on Medical Jurisprudence.

RESOLUTIONS.

Mr. Stein offered the following resolution:

Resolved, That when the Senate adjourns, it adjourn to meet to-morrow at 2 o'clock, P. M.

Which was adopted.

REPORTS FROM STANDING COMMITTEES.

Mr. Johnson of Spencer, from the Committee on the Rights and Privileges of the Inhabitants of the State, made the following report:

MR. PRESIDENT:

The Committee on the Rights and Privileges of the Inhabitants

of the State, to whom was referred Senate bill No. 72, introduced by Senator Gray, entitled an act to amend section 18 of "An act regulating descents and apportionment of estates," have had the same under consideration, and have directed me to report the same back to the Senate with the recommendation that the same do lie on the table.

Which report was concurred in.

Mr. Wood, from the Committee on Education, made the following report:

MR. PRESIDENT:

The Committee on Education, to whom was referred Senate bill No. 172, entitled "An act to provide for the release of levies upon personal property," respectfully return the same with the recommendation that it be laid upon the table.

Which report was concurred in.

Mr. Kinley from the Committee on Education, made the following report:

MR. PRESIDENT:

The Committee on Education, to whom was referred Senate bill No. 163, entitled "A bill to amend sections 13, 138 and 160 of an act to provide for a general system of common schools, etc., respectfully return the same to the Senate, with the recommendation that it be laid upon the table.

Which report was concurred in.

BILLS INTRODUCED.

Mr. Reynolds introduced

Senate bill No. 241. An act entitled an act to amend "An act to incorporate the University of Notra Dame Du Lac, at South Bend, St. Joseph county, Indiana," approved January 15, 1844.

Which was read a first time, and referred to the Committee on Education.

Mr. Sherrod introduced

Senate bill No. 242. An act creating the Twenty-fifth Common

Pleas District and making provisions therefor, and repealing all laws in conflict therewith.

Which was read a first time, and referred to the Committee on Organization of Courts.

Mr. Lasselle introduced

Senate bill No. 243. Supplementary to section 68, of the act for the incorporation of cities.

Which was read a first time, and referred to the Committee on Corporations.

Mr. Bellamy introduced

Senate bill No. 244. An act to amend an act entitled "An act to provide for a general system of common schools, the officers thereof and their respective powers and duties, and matters properly connected therewith, and prescribing the fees for certain officers therein named, and for the establishment and regulation of township libraries, and to repeal all laws inconsistent therewith, providing penalties therein prescribed," approved March 6, 1855, and adding supplemental sections thereto.

Which was read a first time, and on motion of Mr. Gifford, the bill was laid upon the table, and two hundred copies ordered to be printed.

Mr. Johnson of Montgomery, introduced

Senate bill No. 245. An act to amend an act entitled an act to extend the time for the corporation of railroads, in all cases in which ten thousand dollars per mile has been expended in their construction, and declaring at what time the act shall take effect and be in force, approved February 18th, 1863.

Which was read a first time, and referred to the Committee on Corporations.

Mr. Hess introduced

Senate bill No. 246. An act to amend sections 4, 13 and 15 of an act entitled "An act to establish a home for the maintenance of sick and disabled Indiana soldiers and seamen, and their orphans' and widows," approved March 11th, 1867, and supplementary to said act.

Mr. Hughes moved that it be referred to the Committee on Benevolent Institutions.

Which was agreed to.

Mr. Hadley introduced Senate bill, No. 247.

An act fixing the times of holding Circuit Courts in the Fifth Judicial Circuit, prescribing the length of terms thereof and repealing all laws in conflict herewith.

Which was read a first time.

Mr. Carson moved a suspension of the rules and that the bill be read a second and third times now.

The yeas and nays were taken under the Constitution.

Those who voted in the affirmative were,

Messrs. Andrews, Beardsley, Bellamy, Bird, Bradley, Carson, Case, Caven, Church, Cravens, Denbo, Elliott, Fisher, Fosdick, Gifford, Gray, Green, Hadley, Henderson, Hess, Houghton, Huffman, Hughes, Humphreys, Jaquess, Johnson of Spencer, Johnson of Montgomery, Kinley, Lee, Reynolds, Robinson of Madison, Robinson of Decatur, Scott, Smith, Stein, Taggart, Turner, Walcott and Wood.—38.

No Senator voting in the negative.

The rules were suspended, and the bill was read a second and third times.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Andrews, Beardsley, Bellamy, Bird, Bradley, Carson, Case, Caven, Church, Cravens, Denbo, Elliott, Fisher, Fosdick, Gifford, Gray, Green, Hadley, Henderson, Hess, Houghton, Huffman, Hughes, Humphreys, Jaquess, Johnson of Spencer, Johnson of Montgomery, Kinley, Lasselle, Lee, Reynolds, Robinson of Madison, Robinson of Decatur, Scott, Sherrod, Smith, Stein, Taggart, Turner, Wolcott and Wood—41.

No Senator voted in the negative.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

Mr. Cravens introduced Senate bill, No. 248.

An act to amend section three of an act in relation to witnesses, approved December 21, 1865.

Which was read a first time and referred to the Committee on the Judiciary.

Mr. Caven moved that Senate bill, No. 135, be recommitted to the Committee on the Judiciary.

Which was agreed to.

Mr. Wolcott introduced Senate bill, No. 249.

An act to provide for the construction and maintenance of fish ladders.

Which was read a first time and referred to the Committee on the Rights and Privileges of the Inhabitants of the State.

Mr. Caven introduced

Senate bill No 250. An act to amend an act entitled "An act concerning the organization of voluntary associations, and repealing former laws in reference thereto," approved February 12, 1855, by adding thereto four sections.

Which was read a first time and referred to the Committee on Corporations.

Mr. Kinley introduced

Senate bill No. 251. An act to amend Section 1 of an act entitled "an act to authorize Township Trustees, Trustees of incorporated towns, and the Common Councils of Cities, to levy a tax for School purposes," approved March 9, 1867, adding a section and declaring an emergency.

Which was read a first time and referred to the Committee on Education.

Mr. Caven introduced

Senate bill No. 252. An act creating the office of Railroad Policeman, defining his duties and fixing his fees.

Which was read a first time and referred to the Committee on Rights and Privileges of the Inhabitants of the State.

On motion of Mr. Caven, Senate bill No. 30, was taken from the table and placed upon the files.

Mr. Stein introduced

Senate bill No. 253. An act to enable the several Criminal Courts of this State, to try and determine suits upon certain forfeited Recognizances, and defining the duty of Prosecuting Attorneys in the premises.

Which was read a first time and referred to the Committee on the Judiciary.

Mr. Lasselle introduced

Senate bill No. 254. An act to declare the meaning and intent of Section 27 of the descent law of 1852.

Which was read a first time and referred to the Committee on the Judiciary.

Mr. Lasselle introduced

Senate bill No. 255. A bill to save pending suits affected by the passage of the act of 1855, entitled an act to repeal Sections 43 and 44 of the Will law of 1852.

Which was read a first time and referred to the Committee on the Judiciary.

SENATE BILLS ON SECOND READING.

Senate bill No. 4. "An act authorizing the Superintendent of Public Instruction to adopt a general and uniform system of Book-keeping for Township Trustees."

Was read a second time.

Mr. Gifford moved that the bill be indefinitely postponed.

The ayes and noes were demanded by Messrs. Hughes and Johnson of Montgomery.

Those who voted in the affirmative were,

Messrs. Andrews, Beardsley, Bellamy, Bird, Bradley, Carson, Case, Caven, Church, Cravens, Denbo, Elliott, Fisher, Fosdick, Gifford, Gray, Hadley, Huffman, Hughes, Humphreys, Johnson of Montgomery, Lasselle, Lee, Reynolds, Scott, Sherrod, Smith, Taggart, Turner, and Wolcott—30.

Those who voted in the negative were,

Messrs. Green, Houghton, Johnson of Spencer, Kinley, Lee, Reynolds, Robinson of Madison, Robinson of Decatur, Stein, and Wood—8.

So the motion to indefinitely postpone the bill was agreed to.

Senate bill No. 47. An act to enable cities to aid in the construction of railroads, was read a second time.

Mr. Robinson, of Madison, moved that the bill be laid upon the table.

Which was agreed to.

Senate bill No. 50. An act providing for the collecting of forfeited recognizances.

Was read a second time, ordered to be engrossed, and passed to a third reading on to-morrow.

Senate bill No. 64. An act authorizing voluntary associations formed under an act entitled "An act concerning the organization of voluntary associations, and repealing former laws in reference thereto," passed February 12th, 1855, to acquire title to lands that have heretofore been used as burial places.

Was read a second time, and the amendment reported from the committee was adopted.

Ordered to be engrossed and passed to a third reading on to-morrow.

Senate bill No. 65. "An act to regulate the publication of legal documents."

Was read a second time.

Pending the consideration of the amendments recommended by the Committee on the Judiciary, Mr. Humphreys moved the indefinite postponement of the bill.

Which was agreed to.

Mr. Hughes moved that the Senate adjourn.

Which was not agreed to.

Mr. Robinson, of Decatur, moved to take Senate bill No. 82 from the table and recommit the same to the Committee on Roads.

Which was agreed to.

Message from the House, by Mr Merwin, Clerk thereof.

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate, that the House has passed the following resolution, to-wit :

WHEREAS, Gen. Geo. D. Wagner, late a Brigadier General in the union army, and an honored citizen of this State, died at the Bates House in this city, on last Saturday evening ;

AND WHEREAS, his remains will be conveyed from this city to his late home in Warren county, Indiana, on to-morrow, Therefore,

Resolved, By the House of Representatives, the Senate concurring, that both Houses of this General Assembly, will in honor to the memory of this distinguished General who has just died, adjourn at half past ten to-morrow, and in a body accompany his remains to the Union Depot.

On motion of Mr. Fisher, the resolution contained in the foregoing message, was concurred in.

On motion of Mr. Bradley, the Senate adjourned.

TUESDAY AFTERNOON, 2 o'clock, }
February 16, 1869. }

The Senate met.

The Journal of yesterday was read.

Message from the House by Mr. Merwin, clerk thereof.

MR. PRESIDENT :

I am directed by the House of Representatives, to inform the Senate, that the House has concurred in the Senate's amendments to House bill No. 10, A bill relative to the settlement of decedent's estates.

Mr. Carson moved to reconsider the vote by which Senate bill No. 197, was made the special order for this hour.

Which was not agreed to.

Mr. Carson moved that the resolutions which were made the special order for 10 o'clock, this A. M., be made the special order for 3.30 o'clock, P. M., of to-day.

Which was agreed to.

Message from the House by Mr. Merwin, clerk thereof.

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bills thereof, to-wit :

House bill No. 12. A bill to amend section 5 of an act entitled An act to provide for the equalizing the appraisement of the real estate of the State of Indiana, approved May 28th, 1852.

Also, House bill No. 30. A bill to amend section 9 of An act providing for the election of Clerks of the Circuit Court, and prescribing some of their duties, and declaring an emergency.

Also, House bill No. 46. A bill to legalize the sale of seminary lands in Jasper county.

Also, House bill No. 38. A bill declaring certain contracts made with common carriers void.

Also, House bill No. 84. A bill regulating the fees of members of the State Board of Education.

In all of which the concurrence of the Senate is respectfully requested.

The Senate resolved itself into Committee of the Whole,

Mr. Robinson, of Madison, in the chair,

And resumed the consideration of Senate bill No. 197.

After some time spent in the deliberation thereof, the Committee rose, and through its chairman reported progress, and asked leave to sit again.

Which report was concurred in.

Mr. Hughes moved that the bill be made the special order for Wednesday at 10 o'clock A. M.

Which was agreed to.

The President laid before the Senate the following communication:

INDIANA INSTITUTE FOR THE EDUCATION OF THE BLIND, }
INDIANAPOLIS, February 16th, 1869. }

HON. WILL CUMBACK, *President of the Senate*:

DEAR SIR—Allow me to transmit, through you, to the members and officers of the Senate an invitation to attend an exhibition of music, and other appropriate exercises, by the pupils of this institution, to be given to-morrow (Wednesday) evening, the 17th inst., at seven and a half o'clock, in the chapel of the Institute Building, and oblige

Yours, Very Respectfully,

W. H. CHURCHMAN,

Superintendent.

Mr. Carson moved that the resolutions made the special order for 3 o'clock this afternoon be made the special order for 11 o'clock on Wednesday.

Which was agreed to.

By consent of the Senate.

Mr. Bellamy offered the following concurrent resolution :

Resolved. By the Senate (the House of Representatives concurring therein), That Prof. Daniel Read, President of Columbia College Missonri, formerly a professor in the State University, be invited to deliver a lecture on the subject of Education in the Hall of the House of Representatives, on the evening of the 17th, at 7½ o'clock.

Which was adopted.

Mr. Stein offered the following resolution :

Resolved, That when the Senate adjourns it adjourn to meet at 10 o'clock, A. M., to-morrow.

Which was adopted.

On motion by Mr. Denbo,

The Senate adjourned.

WEDNESDAY, February 17th, 1869, }
10 O'CLOCK, A. M. }

Senate met.

The Journal of yesterday was read.

Mr. Bellamy offered the following resolution :

Resolved, That Senate bill No. 178, now before the Governor for approval, is supposed to contain inaccuracies that render it inoperative, therefore we hereby request the Governor to return said bill to the Senate, in order that the same may be reconsidered.

Which was adopted.

Mr. Robinson of Madison, by unanimous consent of the Senate, introduced Senate bill No. 256, "An act to fix the time of holding Courts of Common Pleas in the Eleventh Judicial District, repealing all other laws on the same subject, and declaring when this act shall take effect.

Mr. Robinson of Madison, moved that the rules be suspended and the bill read a second and third times now.

The ayes and noes were taken under the Constitution.

Those who voted in the affirmative were,

Messrs. Armstrong, Beardsley, Bellamy, Bradley, Carson, Case, Caven, Cravens, Denbo, Elliott, Fisher, Fosdick, Gifford, Gray, Green, Hadley, Hanna, Henderson, Hess, Hooper, Hawk, Huey, Huffman, Hughes, Humphreys, Jaquess, Johnson of Spencer, Johnson of Montgomery, Lasselle, Lee, Morgan, Rice, Reynolds, Robinson of Madison, Robinson of Decatur, Scott, Sherrod, Smith, Stein, Turner, Wolcott and Wood—43.

No Senator voting in the negative.

So the rules were suspended.

And the bill read a second and third times.

The question then being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Andrews, Armstrong, Bellamy, Bradley, Carson, Case, Caven, Church, Cravens, Denbo, Elliott, Fisher, Fosdick, Gifford, Gray, Green, Hadley, Hanna, Henderson, Hess, Hooper, Houghton, Howk, Huey, Huffman, Hughes, Humphreys, Jaquess, Johnson of Spencer, Johnson of Montgomery, Kinley, Lee, Morgan, Rice, Reynolds, Robinson of Madison, Robinson of Decatur, Scott, Sherrod, Smith, Stein, Turner and Wolcott—43.

No Senator voting in the negative.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

PETITIONS, MEMORIALS AND REMONSTRANCES.

Mr. Cravens presented the petitions of sundry citizens of the State, asking for a Homœopathic Department in the proposed Medical College.

Which was referred to the Committee on Medical Legislation.

Mr. Scott presented a petition from sundry citizens of Vigo county, asking for the establishment of a Homœopathic Department in the proposed Medical College at Indianapolis.

Which was referred to the Committee on Medical Legislation.

Mr. Hess presented a petition from sundry citizens of the State, asking for the establishment of a Homœopathic Department in the proposed Medical College at Indianapolis.

Which was referred to the Committee on Medical Legislation.

Mr. Howk presented a petition from sundry citizens of Floyd county, asking for the establishment of a Homœopathic Department in the proposed Medical College at Indianapolis.

Which was referred to the Special Committee on Medical Legislation.

Mr. Kinley presented

Sundry petitions from sundry citizens of Wayne county, asking for the enactment of a prohibitory liquor law.

Which was referred to the Committee on Temperance.

Mr. Armstrong presented

A petition from sundry citizens of Carroll county, asking for legislation to prevent animals from running at large.

Which was referred to the Committee on Rights and Privileges of the Inhabitants of the State.

Mr. Bellamy presented

A petition from sundry citizens of Dearborn county, asking for legislation in regard to township libraries.

Which was referred to the Committee on Education.

Mr. Johnson of Montgomery, presented the petition of sundry citizens of the State, asking for a Homœopathic Department in the proposed Medical College.

Which was referred to the Committee on Medical Legislation.

Mr. Lasselle presented a petition from sundry citizens of Cass county, praying for a Homœopathic Department in the proposed Medical School at Indianapolis.

Which was referred to the Committee on Medical Legislation.

Mr. Scott presented a petition from sundry citizens of the State of Indiana, asking for a Homœopathic Department in the proposed Medical School, to be established in the City of Indianapolis, Ind.

Which was referred to the Special Committee on Medical Legislation.

Mr. Howk presented a petition from sundry citizens of the State of Indiana, asking for a Homœopathic Department in the proposed Medical School, to be established in the City of Indianapolis, Ind.

Which was referred to the Special Committee on Medical Legislation.

Message from the House, by Mr. Merwin, Clerk thereof:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has concurred in Senate concurrent resolution, requiring the Auditor of State to make certain exhibits in his future Annual Reports of the amount of Federal Taxes paid by the citizens of this State.

Also, that the House has concurred in Senate concurrent resolution to furnish certain employees of the General Assembly, a copy of the Adjutant General's Reports, with the following amendment: amend by saying, "an equal number of the Reports to be distributed to each county, through the members of the General Assembly, in which the concurrence of the Senate is respectfully requested.

Also, that the House has concurred in Senate concurrent resolution, instructing the Trustee's of the Northern Penitentiary to pay Louis R. Skinner, certain monies.

Also, that the House has concurred in Senate concurrent resolution of thanks to the citizens of Terre Haute.

REPORTS FROM STANDING COMMITTEES.

Mr. Caven, from the Committee on the Judiciary, made the following report:

MR. PRESIDENT:

The Committee on the Judiciary, to whom was referred Senate bill No. 210, introduced by Senator Wolcott, entitled "A bill to define certain offences therein mentioned, and to prescribe punishment therefor, and to suppress the usurpation of the functions of the Judiciary in the punishment of real or pretended offences," report that they have had the same under consideration, and respectfully recommend the passage of the bill.

Which report was concurred in.

Mr. Robinson of Madison, from the Committee on Elections, submitted the following report:

MR. PRESIDENT :

The Committee on Elections, to whom was referred "the contested claims of Lafayette Crane and James Bradley, as a Senator of the General Assembly of the State of Indiana, from the district composed of the counties of Laporte and Stark, for which district James Bradley has been admitted and qualified," have instructed me to report that after having partially examined the voluminous record in the case, the contestor appeared before your Committee and asked leave to withdraw his contest herein; your Committee would therefore recommend the adoption of the following resolutions, and ask to be discharged from further consideration of this case :

Resolved, That Lafayette Crane be allowed to withdraw his contest herein made.

Resolved. That Lafayette Crane be allowed the sum of \$293, 39, for expenses incurred in said contest, and the further sum of \$190,00 for thirty-eight days per diem, and \$63,20 for mileage for 316 miles.

Resolved, That James Bradley be allowed the sum of \$65,00 expended by him in said contest, and that said several sums as above stated, be paid out of the State Treasury upon order drawn and attested by the President of the Senate.

Which report was concurred in, and the resolutions therein contained were adopted.

Mr. Robinson, of Madison, from the Committee on the Judiciary, made the following report :

MR. PRESIDENT :

The Judiciary Committee, to whom was referred Senate bill No. 161, entitled "an act to provide for the organization of savings' banks, and the safe and proper management of their affairs," report that they have had the same under consideration, and respectfully recommend the passage of said bill.

Which report was concurred in.

Mr. Scott, from the Committee on the Judiciary, made the following report :

MR. PRESIDENT :

The Committee on the Judiciary, to whom was referred Senate bill No. 231, introduced by Senator Case, entitled a bill to legalize and declare valid the acknowledgment of certain deeds of conveyance and other instruments in writing, which have been recorded in any of the Recorder's offices of the several counties of this State, and which, by reason of certain informalities in the certificates of acknowledgments or the authentication thereof, were not entitled to record, report that they have had the same under consideration, and respectfully recommend the passage of said bill.

Which report was concurred in.

Mr. Rice, from the Committee on the Judiciary, submitted the following report :

MR. PRESIDENT :

The Judiciary Committee, to whom was referred Senate bill No. 238, introduced by Senator Stein, entitled a bill to amend section 200 of chapter one of an act entitled an act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the Courts of this State; to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity, report that they have had the same under consideration, and respectfully recommend the passage of said bill.

Which report was concurred in.

Mr. Caven, Chairman of the Committee on the Judiciary, made the following report :

MR. PRESIDENT :

The Judiciary Committee, to whom was referred Senate bill No. 233, entitled "an act to repeal an act entitled an act authorizing the formation of companies for the detection of horse thieves and other felons, and defining their powers," report that they have

had the same under consideration, and respectfully recommend that said bill lie on the table.

Which report was concurred in.

Mr. Caven, from the Committee on the Judiciary, made the following report :

MR. PRESIDENT :

The Judiciary Committee, to whom was referred Senate bill No. 232, introduced by Senator Green, entitled an act to repeal an act entitled an act to provide for the assessment and collection of taxes on the shares of stock owned in banks and banking associations doing business in this State, report that they have had the same under consideration, and as the object contemplated cannot be accomplished by a repealing act, respectfully recommend that said bill be laid upon the table.

Which report was concurred in.

Mr. Bellamy, from the Committee on Education, made the following report :

MR. PRESIDENT :

The Committee on Education, to whom was referred Senate bill No. 117, a bill to amend section five of the common school law, have had the same under consideration, and have instructed me to report it back with the recommendation that it lie on the table for the reason that its provisions are incorporated in Senate bill No. 244.

Which report was concurred in.

Mr. Kinley, from the Committee on Education, submitted the following report :

MR. PRESIDENT :

The Committee on Education, to whom was referred Senate bill No. 251, have had the same under consideration, and have instructed me to report the same to the Senate with the following amendment :

“Strike out “14” and insert “15,” where it occurs in the fourth line in section second, and, when so amended, they recommend its passage.

Which report was concurred in.

Mr. Green, from the Committee on Corporations made the following report :

MR. PRESIDENT :

The Committee on Corporations, to whom was referred Senate bill No. 218, entitled "An act for the better regulation of traffic on railroads, and to facilitate trade and intercourse thereon," have had the same under consideration, and do now report the same back to the Senate and recommend its passage.

Which report was concurred in.

Mr. Carson, from the Committee on Corporations, made the following report :

MR. PRESIDENT :

The Committee on Corporations, to whom was referred Senate bill No. 239, entitled "an act authorizing the classification of the Board of Directors of Railroad Companies," have had the same under consideration, and have directed me to report the same back to the Senate, and recommend its passage.

Which report was concurred in.

Mr. Rice, from the Committee on Corporations, submitted the following report :

MR. PRESIDENT :

The Committee on Corporations, to whom was referred Senate bill No. 134, entitled "a bill to authorize and encourage the construction of levies, dykes and drains, and the reclamation of wet and overflowed lands by incorporated associations, and to repeal all former laws relating to the same subject, have had the same under consideration, and do now report the same back to the Senate, and recommend its passage.

Which report was concurred in.

Mr. Hooper, from the Committee on Corporations, submitted the following report :

MR. PRESIDENT :

The Committee on Corporations, to whom was referred Senate

bill No. 89, entitled a bill to amend an act entitled "An act to enable owners of wet lands to drain and reclaim where the same can not be done without affecting the lands of others, prescribing the powers and duties of County Boards and County Auditors in the premises, and repealing all laws inconsistent therewith," approved March 11, 1867, by amending Sections 3, 4, 5, 6, 9 and 11, and adding 16, to provide for entering satisfaction of the liens acquired under said act, have had the same under consideration, and do now report the same back to the Senate with the following amendments, to-wit:

Strike out the word "the" on the 14th line, 3d page; also, the words "of the publisher of the paper," 14th and 15th lines, 3d page, and insert in lieu thereof, the words, "As in other cases." And when so amended, recommend its passage.

Which report was concurred in.

Mr. Johnson of Montgomery, from the Committee on Agriculture, submitted the following report:

MR. PRESIDENT:

The Committee on Agriculture, to whom was re-committed Senate bill No. 152, (with instructions,) a bill to amend Section 2 of an act to provide for the protection of wild game, &c., have had the same under consideration, and have directed me to report the same back with an amendment in accordance with the instructions, and when so amended recommend its passage.

Amend the engrossed bill by striking out of section 1, all after the words "provided, however," and inserting the following: "That persons (under the provisions of this section) shall only be allowed to net quails on their own lands.

Which report was concurred in.

Mr. Jaquess, from the Committee on Claims, made the following report:

MR. PRESIDENT:

The Committee on Claims, to whom was referred the claim of Wm. Hannaman for \$2,700, for services as Military Claim Agent in the City of Indianapolis, for the years 1867 and 1868, have had

the same under consideration, and have instructed me to report the same back to the Senate and recommend that the claim be allowed, and that the same be referred to the Finance Committee to be incorporated in the General Appropriation bills.

Which report was concurred in.

Mr. Hughes offered the following resolution :

WHEREAS, The following communication from the Secretary of the Senate has been presented to the Senate, viz :

To the President of the Senate :

The Speaker of the House having given directions to the Door-keeper of the House not to announce messages from the Senate while a member of the House has the floor for debate, and on the reception of reports, I desire instructions from the Senate, as to the time when I shall present such messages to the House.

O. M. WILSON,
Secretary of the Senate.

Therefore, be it

Resolved, That the House of Representatives be requested to receive the messages of the Senate according to the usages of Parliamentary law.

Which was adopted.

Message from the House, by Mr. Merwin, Clerk thereof.

MR. PRESIDENT :

I am directed by the Speaker to inform the Senate that the Speaker has signed Enrolled House Act No. 10. An act in relation to the settlement of decedent's estates, and the same is herewith transmitted for the signature of the President of the Senate.

The contested election case of *Win. H. Montgomery vs. Aaron Houghton*, being the special order for this hour, was taken up.

Mr. Johnson of Montgomery, offered the following resolutions :

Resolved, That Aaron Houghton, now the sitting member on this floor from the counties of Martin, Pike and Dubois, vacated his seat as a Senator, by accepting the appointment, and exercising

the duties of Assistant Assessor under the laws of the United States.

Resolved, further, That William H. Montgomery, having been duly elected the successor of said Houghton, as a Senator from said counties of Martin, Pike and Dubois, is entitled to his seat as such, and that he be sworn in accordingly.

Pending the consideration of which

On motion of Mr. Rice, the Senate adjourned.

WEDNESDAY, 2 O'CLOCK, P. M.

The Senate met.

The Senate resumed the consideration of the contested election case of Montgomery *vs.* Houghton.

Mr. Robinson of Decatur, moved to postpone the further consideration of this question until one week from to-day.

The ayes and noes were demanded by Messrs. Johnson of Montgomery, and Hanna.

Mr. Cravens moved a call of the Senate.

The Secretary proceeded with the call.

The following Senators answered to their names.

Messrs. Andrews, Armstrong, Bellamy, Bird, Bradley, Carson, Case, Caven, Church, Cravens, Denbo, Fisher, Fosdick, Gifford, Gray, Green, Hadley, Hamilton, Hanna, Henderson, Hess, Hooper, Houghton, Hawk, Huey, Huffman, Hughes, Humphreys, Jaquess, Johnson of Spencer, Johnson of Montgomery, Kinley, Lasselle, Lee, Morgan, Rice, Reynolds, Robinson of Madison, Robinson of Decatur, Scott, Sherrod, Smith, Stein, Turner, Wolcott and Wood—46.

Mr. Armstrong moved that the further call of the Senate be dispensed with.

Which was agreed to.

Mr. Hooper asked and obtained leave of absence for Mr. Beardsley, on account of sickness.

Mr. Hughes moved the previous question, which was not seconded by the Senate.

Mr. Johnson of Spencer, moved that the further consideration of the question be postponed until Friday next.

Mr. Johnson of Montgomery, moved to lay that motion on the table.

The ayes and noes were demanded by Messrs. Johnson of Montgomery, and Stein.

Those who voted in the affirmative were,

Messrs. Bird, Bradley, Carson, Denbo, Gifford, Gray, Hanna, Henderson, Hess, Hooper, Hawk Huey, Huffinan, Hughes, Humphreys, Johnson of Montgomery, Kinley, Lee, Morgan, Sherrod, Smith, Stein and Turner—23.

Those who voted in the negative were,

Messrs. Andrews, Armstrong, Bellamy, Case, Caven, Church, Cravens Elliott, Fosdick, Green, Hadley, Hamilton, Jaquess, Johnson of Spencer, Lasselle, Rice, Reynolds, Robinson of Madison, Robinson of Decatur, Scott, Wolcott and Wood—22.

So the motion to lay upon the table prevailed.

Mr. Robinson of Madison, moved the previous question, which was seconded by the Senate.

Mr. Kinley demanded a division of the question.

Which was agreed to.

The question being upon the adoption of the first resolution offered by Mr. Johnson of Montgomery.

The ayes and noes were demanded by Messrs. Hughes and Johnson of Montgomery.

Those who voted in the affirmative were,

Messrs. Andrews, Bird, Bradley, Carson, Case, Caven, Denbo, Fosdick, Gifford, Gray, Hanna, Henderson, Hess, Hooper, Howk, Huey, Huffman, Hughes, Humphreys, Johnson of Montgomery, Kinley, Lasselle, Lee, Morgan, Robinson of Madison, Scott, Sherrod, Smith, Stein and Turner—30.

Those who voted in the negative were,

Messrs. Armstrong, Bellamy, Church, Cravens, Elliott, Fisher, Green, Hadley, Hamilton, Jaquess, Johnson of Spencer, Rice, Reynolds, Robinson of Decatur, Wolcott and Wood—16.

So the resolution was adopted.

The question recurring upon the adoption of the second resolution.

The ayes and noes were demanded by Messrs. Hughes and Johnson of Montgomery.

Those who voted in the affirmative were,

Messrs. Andrews, Bird, Bradley, Carson, Case, Caven, Cravens, Denbo, Elliott, Fisher, Fosdick, Gifford, Gray, Hanna, Henderson, Hooper, Howk, Huey, Huffman, Hughes, Humphreys, Johnson of Montgomery, Lasselle, Lee, Morgan, Rice, Reynolds, Robinson of Madison, Robinson of Decatur, Scott, Sherrod, Smith, Stein, Turner and Wolcott—35.

Those who voted in the negative were,

Messrs. Armstrong, Bellamy, Church, Green, Hadley, Hamilton, Hess, Jaquess, Johnson of Spencer, Kinley and Wood—11.

So the second resolution was adopted.

Mr. Wm. H. Montgomery came forward and was duly sworn into office as Senator from the counties of Martin, Dubois and Pike, and took his seat.

Message from the House by Mr. Merwin, Clerk thereof.

MR. PRESIDENT:

I am directed by the House of Representatives to inform the

Senate that the House has passed the following Engrossed bill thereof, to-wit:

House bill No. 203. A bill fixing the time of holding Circuit Courts in the several counties, composing the Sixth Judicial Circuit, repealing all laws in conflict therewith, making all process returnable to the time fixed by this act, and regulating the transaction of business therein.

Also, that the House has passed the accompanying concurrent resolution, recalling Senate Enrolled act No. 178 from the hands of the Governor, for the purpose of correcting a mistake.

In all of which the concurrence of the Senate is respectfully requested.

Message from the House by Mr. Merwin, Clerk thereof.

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate, that the House has passed the following Engrossed bill thereof, to-wit:

House bill No. 244. A bill to amend the 6th section of an act, entitled an act to fix the time of holding the Common Pleas Courts in the several counties of this State, the duration of the terms thereof, and making all process from the present Common Pleas Courts returnable to such terms, and declaring when this act shall take effect, and repealing all laws inconsistent therewith," approved March 5th, 1859.

In which the concurrence of the Senate is respectfully requested.

SPECIAL ORDER.

Senate bill No. 197, being the special order of this hour, the Senate resolved itself into a Committee of the Whole.

Mr. Gifford in the Chair.

After some time spent in the consideration of the same, the Committee rose, and through its Chairman submitted the following report:

MR. PRESIDENT:

The Committee of the Whole, have had Senate bill No. 197

under consideration, have made progress, and ask leave to rise and sit again.

Which report was concurred in.

On motion of Mr. Walcott, Senate bill No. 197, was made the special order for to-morrow, at half-past two o'clock, P. M., in Committee of the Whole.

Mr. Fisher offered the following resolution :

Resolved, That the President of the Senate be directed to issue a certificate to Hon. Aaron Houghton for his *per diem* from the commencement of the session to, and including this day, and also for his regular mileage.

Which was adopted.

Mr. Fisher offered the following resolution :

Resolved, That when the Senate adjourns, it adjourn to meet at 10 o'clock, A. M., to-morrow.

Which was adopted.

On motion of Gifford, the Senate adjourned.

THURSDAY MORNING, 10 o'CLOCK, }
February 18, 1869. }

The Senate met.

The Journal of yesterday was partially read, when, on motion of Mr. Church, the further reading thereof was dispensed with.

Mr. Reynolds asked and obtained leave of absence for Mr. Stein, on account of sickness.

PETITIONS, MEMORIALS, AND REMONSTRANCES.

Mr. Carson presented a petition from sundry physicians of Allen county, asking for the passage of a law to protect the medical profession.

Which was referred to the Special Committee on Medical Legislation.

Mr. Beardsley presented a petition from sundry citizens of Elkhart county, asking for a Homœopathic Department in the proposed Medical College at Indianapolis.

Which was referred to the Special Committee on Medical Legislation.

Mr. Hughes presented the claims of John I. Morrison, William F. Browning, John McCrea, and Smith Vawter, for services as members of the Morgan Raid Commission.

Which were referred to the Committee on Finance.

Mr. Case presented a petition from sundry citizens of Indiana, asking for the establishment of a Homœopathic Department in the proposed Medical College at Indianapolis.

Which was referred to the Special Committee on Medical Legislation.

Mr. Kinley presented a petition from sundry citizens of Wayne

county, asking for the enactment of a law prohibiting the traffic in intoxicating liquors as a beverage.

Which was referred to the Committee on Temperance.

Mr. Henderson presented a petition from sundry citizens of Johnson county, asking the enactment of a law prohibiting the traffic in intoxicating liquors as a beverage.

Which was referred to the Committee on Temperance.

Mr. Bird presented a petition from sundry citizens of Allen county, asking for the repeal of the gravel road law.

Which was referred to the Committee on Corporations.

Mr. Hughes presented a petition from sundry citizens of Knox and Sullivan counties, asking favorable notice by the Legislature of a memorial presented by Captain McCormick, and others, for the payment of their claims.

Which was referred to the Committee on Claims.

Mr. Caven presented the claim of E.W. Halford for services in the Sanitary Commission.

Which was referred to the Committee on Claims.

REPORTS FROM STANDING COMMITTEES.

Mr. Bellamy, from the Committee on Education, made the following report:

MR. PRESIDENT:

The Committee on Education, to whom was referred Senate bill No. 100, introduced by Senator Hughes, an act to amend the sixth section of an act for the relief of the Indiana University, and to increase and extend its benefits by providing for the sale of the lands granted by the United States for the use of the said University, regulating the application of the proceeds of the sales thereof, and prescribing the duties of the officers therein mentioned in relation thereto, approved March 2d, 1859, have had the same under consideration, and instructed me to report it back with the following amendment:

Strike out all after the word "act," in the third line of section one, to the word "payment" in the 16th line of said section inclusive, and when so amended recommend its passage.

Which report was concurred in.

Mr. Kinley, from the Committee on Education, made the following report :

MR. PRESIDENT :

The Committee on Education, to whom was referred Senate bill No. 9, a bill to amend section 27 of the Common School law, have had the same under consideration, and instructed me to report it back with the recommendation that it lie on the table, for the reason that its provisions are incorporated in Senate bill No. 244.

Which was concurred in.

Mr. Wood, from the Committee on Education, submitted the following report :

MR. PRESIDENT :

The Committee on Education, to whom was referred Senate bill No. 107, introduced by Senator Caven, entitled "an act to amend section two and three of an act entitled an act for the incorporation of county libraries," approved June 18, 1852, have had the same under consideration, and respectfully recommend the passage of said bill.

Which report was concurred in.

Mr. Hughes, Chairman of the Committee on Expenditures, made the following report :

MR. PRESIDENT :

The Committee on Expenditures have directed me to report the following resolution, and to ask its adoption by the Senate :

Resolved, That the Committee on Expenditures be and they are hereby authorized to request the attendance before them of Thomas M. Browne, Esq., of Randolph County, late attorney for the State in the Morgan Raid Claims, to represent the State in the examination of the same before said committee.

Which report was concurred in, and the resolution adopted.

Mr. Caven, from the Committee on the Judiciary, reported back Senate bill No. 101. An act to authorize the Trustees of the State University to establish a Medical College.

Which, on motion of Mr. Hughes, was recommitted to the Committee on Education.

Mr. Robinson, of Madison, from the Committee on the Judiciary made the following report:

MR. PRESIDENT :

The Judiciary Committee, to whom was referred Senate bill No. 255, introduced by Senator Lasselle, entitled An act to save pending suits affected by the passage of an act entitled An act to repeal sections 43 and 44 of an act entitled An act prescribing who may make a will; the effect thereof; what may be devised; regulating the revocation, admission to probate and contest thereof, approved May 31, 1852; approved December 21, 1865, report that they have had the same under consideration, and respectfully recommend the passage of said bill.

Which report was concurred in.

Mr. Reynolds, Chairman of the Committee on Agriculture, made the following report:

MR. PRESIDENT :

The Committee on Agriculture, to whom was referred a copy of a letter from Prof. Richard Owen, in relation to the cabinet of the late Dr. David Dale Owen, have had the same under consideration, and have instructed me to report the letter back and recommend that it lie on the table, for the reason that no member of the committee has ever seen the cabinet and knows nothing of its real value.

Which report was concurred in.

Mr. Hawk, from the Committee on the Judiciary, submitted the following report:

MR. PRESIDENT :

The Judiciary Committee, to whom was referred Senate bill No. 253, introduced by Senator Stein, entitled An act to enable the

several Criminal Circuit Courts of the State to try and determine suits upon certain forfeited recognizances, and defining the duty of Prosecuting Attorneys in the premises, report that they have had the same under consideration, and upon the adoption of the accompanying amendment respectfully recommend the passage of said bill.

Which report was concurred in.

Message from the House by Mr. Merwin, the Clerk thereof.

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bill thereof, to wit:

House bill No. 3. A bill to authorize Judges of Courts of Common Pleas to appoint Judges to hold adjourned terms in certain cases, and providing compensation for the same, in which the concurrence of the Senate is respectfully requested.

Also, that the House has passed Senate concurrent resolution, inviting Prof. Read to deliver a lecture on Education February 17th, at 7½ o'clock P. M., in the Hall of the House of Representatives.

Mr. Caven, Chairman of the Committee on the Judiciary, made the following report :

MR. PRESIDENT :

The Judiciary Committee, to whom was referred concurrent resolution, introduced by Senator Wolcott, entitled " Concurrent resolution proposing an amendment to the Constitution of the State of Indiana, preventing the passage of any law or resolution making the State liable for any certificates of stock issued in pursuance of an act passed January 19, 1846, or an act supplemental to said act, passed January 19, 1849, report that they have had the same under consideration, and respectfully recommend the adoption of said resolution.

Which report was concurred in.

S. J.—28.

Mr. Caven, from the Committee on the Judiciary, made the following report :

MR. PRESIDENT :

The Committee on the Judiciary, to whom was referred the resolution instructing the Judiciary Committee to inquire into the authorship and truth of the matter contained in the Daily Evening Mirror, of February 12th, 1869, charging Senator Hughes with appearing in the Senate in the character of an attorney for locating the Agricultural College at Bloomington, report that they have had the same under consideration, and from the evidence taken before them, (which is made part of this report,) in such investigation, find that the article in the Mirror was based upon an anonymous letter said to have been received through the Post Office, (which letter is made an exhibit in the testimony of George C. Harding,) and further find that the charges and insinuations contained in said article are wholly unfounded and unsustained by the evidence.

Mr. Lasselle moved that the report and accompanying evidence be spread upon the Journal.

Which was agreed to.

John R. Morton, being duly sworn upon his oath, deposes and says :

Q. State your name, and what relation you bear to the Daily Evening Mirror, published in Indianapolis.

A. My name is John R. Morton, and am one of the proprietors of the Daily Evening Mirror.

Q. Look upon the resolution of the Senate of February 12, 1869, upon the question of privilege moved by Senator Hughes, now shown you, and reciting a paragraph contained in the Daily Evening Mirror of the same day, and state what you know of the authority upon which said paragraph was published.

A. I know nothing, only that Mr. Harding, a co-proprietor of the paper with me, showed me a document I think addressed to the Editors of the Mirror, from the Bates House, stating that Judge Hughes was acting as an attorney for his constituents, to locate the Agricultural College at Bloomington; this article was signed

J. H. B. or J. B.; that is all I know about it. The original I believe to be in the possession of George Harding.

Q. Please state if you know the author of the communication.

A. I don't know. I think Harding does. Harding, I think, was the author of the paragraph in the Mirror.

Q. Do you know, or have you any reason to believe, apart from said anonymous communication, that Senator Hughes is the attorney of the interest indicated in said paragraph, upon the floor of Senate, or is advocating said interest, in consideration of any fee or reward, or hope thereof.

A. I have no reason, and do not know of any, apart from said communication.

JOHN R. MORTON.

George C. Harding, being first duly sworn, answers the following questions as follows:

Q. State your name, and what relation you bear to the Daily Evening Mirror, published in Indianapolis?

A. My name is George C. Harding, and I am the editor of said paper.

Q. Look upon the resolution of this Senate of February 12, 1869, upon the question of privilege moved by Senator Hughes, now shown you, and reciting a paragraph contained in said Daily Evening Mirror of the same day, and state what you know of the authority or evidence upon which said paragraph was published.

A. The basis of the article is a communication, the original of which I herewith present to the Committee, as part of my answer.

BATES HOUSE, February 11, 1869.

ED. MIRROR:—I judge from the tenor of your criticism, this evening, on Mr. Hughes's bill, and his general activity on the subject of Bloomington, that you are not apprised of the fact that the Honorable gentleman was induced to make the sacrifice necessary to become a Senator, only in view of his great ability, which was to be used in locating the Agricultural College at

Bloomington, and getting a special grant for the State University. As a slight remuneration for his services in this matter, *as an attorney*, not as a Senator, he receives a satisfactory fee. J. J. B.

This communication was received by me through the Indianapolis Post Office, on the morning of February 12th.

Q. Please state whether you know the author of said communication, and if so, state his name.

A. My impression is that Joseph J. Bingham is the author of the communication. I am familiar with his handwriting, although I usually see his manuscript written with a pencil. This is written with a pen, but in my opinion is in his handwriting. I have not met Mr. Bingham since the receipt of the communication, and hence have had no conversation with him in reference to the matter.

Q. Do you know, or have you any reason to believe, apart from said anonymous communication, that Senator Hughes is the attorney, upon the floor of the Senate, of the interest indicated in said paragraph published in the Mirror, or is advocating said interest in consideration of any fee or reward, or hope thereof?

A. I have no information on the subject at all, apart from said communication.

Q. Was the handwriting of the direction on the envelope covering said communication, the same as that in the communication itself?

A. It was. The envelop itself has been lost.

GEORGE C. HARDING.

J. J. Bingham, being duly sworn upon his oath, deposes and says:

Q. Look upon the communication now presented to you, signed J. J. B., dated Bates House, February 11, 1869, charging Senator Hughes with being the attorney of the College at Bloomington, in locating the Agricultural College at Bloomington, and state whether you are, or know the author, or the handwriting of said communication.

A. I am not the author, never saw the communication before, nor never wrote any communication to the Mirror of any character whatever, since the publication of the Mirror, and do not know the handwriting in the communication.

J. J. BINGHAM.

Mr. Gifford, from the Committee on Agriculture, submitted the following report :

MR. PRESIDENT :

The Committee on Agriculture, to whom was referred Senate bill No. 174, entitled "An act to provide for the measurment of ear corn and hay in bulk," have had the same under consideration, and recommend the passage of the bill.

Which report was concurred in.

Mr. Rice, from the Committee on the Judiciary, made the following report :

MR. PRESIDENT :

The Judiciary Committee, to whom was referred Senate bill No. 175, introduced by Senator Hooper, entitled "An act defining who shall be competent witnesses in any court or judicial proceeding in this State, and to repeal all laws in conflict with the provisions of this act," report that they have had the same under consideration, and recommend the accompanying amendments, and when adopted, respectfully recommend the passage of said bill.

Amend by inserting after the word "witness," in the sixteenth line of section two, the following words, to-wit: "And except, also, that in all suits on contract where the contract was made with the wife as the agent of the husband, the wife shall be a competent witness."

And add to the second section, at the end thereof, the following words: "Provided, further, that in all actions by or against executors, administrators, or guardians, either party shall be a competent witness to testify in his own behalf as to any admissions proven against him, either by oral testimony or by deposition."

Which report was concurred in.

Mr. Hanna, from the Committee on the Judiciary, submitted the following report :

MR. PRESIDENT :

The Judiciary Committee, to whom was referred Senate bill No. 248, entitled "An act to amend section three of an act in relation to witnesses," report that they have had the same under consideration, and as Senate bill No. 175 embraces more fully the subject matter, they respectfully recommend that said bill No. 248 lie on the table.

Which report was concurred in.

Mr. Johnson, of Spencer, from the Committee on Rights and Privileges of the Inhabitants of the State, submitted the following report :

MR. PRESIDENT :

The Committee on Rights and Privileges of the Inhabitants of the State, to whom was referred Senate bill No. 249, entitled "An act to provide for the construction and maintainance of fish-ladders," introduced by Senator Wolcott, have had the same under consideration, and have directed me to report the same back with the recommendation that the same do pass without amendment.

Which report was concurred in.

Mr. Gifford, from the Select Committee on Medical Legislation, submitted the following report :

MR. PRESIDENT :

The Select Committee on Medical Legislation, to whom was referred Senate bill No. 113, entitled "An act providing for the registration of the practicing physicians of this State," have had the same under careful consideration, and have instructed me to report the bill back, and recommend that it lie on the table.

Which report was concurred in. ✓

RESOLUTIONS.

Mr. Gray offered the following resolution :

WHEREAS, The report of the Auditor of State shows the following expenditures :

On account of Executive.....	\$22,203 42
On account of Governor's office.....	2,692 95
On account of Governor's house.. ..	3,749 94

Therefore, 'Resolved, That the Auditor of State is hereby directed to furnish the Senate with an itemized account of the above expenditures.

Which was adopted.

Mr. Andrews offered the following resolution :

Resolved, That each member of the Committee on State Prisons be allowed \$3,00 for every twenty-five miles traveled in visiting the Northern and Southern Prisons, and that the Auditor draw his warrant upon the Treasurer of State for said several amounts, upon the certificate of the President of the Senate that said services were rendered.

Mr. Johnson of Montgomery, moved to amend by striking out "\$3,00 for every twenty-five miles," and insert "their actual expenses, except whiskey, &c."

Mr. Bird moved to lay the resolution and amendments upon the table.

Which was agreed to.

Mr. Henderson offered the following resolution :

Resolved, That Hon. Wm. H. Montgomery, present Senator from the counties of Martin, Dubois, and Pike, take the place of the late Senator Houghton, in the Standing Committees of the Senate.

Which was adopted.

Mr. Wolcott offered the following resolution :

Resolved, That Professor Read be requested to furnish to this Senate, a copy of his "Address on the Subject of Education," delivered in the Hall of Representatives, for publication, and that one thousand copies of the same be published for the use of the General Assembly.

Mr. Hanna moved to amend as follows: "*Provided*, The House does not print said speech."

Which was adopted.

Mr. Wolcott moved to take up the concurrent resolution proposing amendment to the Constitution.

Which was agreed to.

Pending the discussion of the concurrent resolution,

On motion of Mr. Church, the Senate adjourned.

THURSDAY, 2 O'CLOCK P. M.

The Senate met.

Mr. Kinley moved that the resolutions offered by Mr. Wolcott, which were pending before adjournment, be laid on the table.

Which was agreed to.

Mr. Kinley moved that Senate bill No. 38 be made the special order for to-morrow at 2 o'clock P. M.

Which was not agreed to.

Mr. Bellamy moved to take up Senate bill No. 178.

Which was agreed to, and,

On motion by Mr. Bellamy,

The vote on the passage of said bill was reconsidered.

Mr. Bellamy, by unanimous consent, offered the following amendment:

Amend the title to read as follows: "An act to regulate the terms of the Circuit Courts in the First Judicial Circuit." And

by striking out of the 1st section, commencing in the second line and ending in the fourth line, the following words:

That section one of said act be, and the same is hereby, amended to read as follows, to-wit:

“First Circuit,” and by adding to section 1 the following: “And all writs, subpoenas, venues, rules, orders of court, recognizances, publications and process whatever, which may have issued from said courts in said counties, or which may hereafter be issued previous to the commencement of said terms, as herein provided, shall be and are hereby made returnable on the first day of the term of said courts respectively, to be holden as provided in this act.”

Which amendments were adopted.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Andrews, Armstrong, Bellamy, Bird, Carson, Case, Caven, Church, Cravens, Denbo, Fisher, Fosdick, Gifford, Gray, Green, Hadley, Hamilton, Hanna, Henderson, Hess, Hooper, Howk, Huey, Humphreys, Jaquess, Johnson of Spencer, Johnson of Montgomery, Kinley, Lasselle, Lee, Montgomery, Morgan, Rice, Reynolds, Robinson of Madison, Robinson of Decatur, Scott, Sherrod, Smith, Wolcott and Wood—41.

No Senator voting in the negative.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

Mr. Hanna moved to take up Senate bill No. 133.

Which was agreed to.

The bill was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Andrews, Armstrong, Bellamy, Bird, Carson, Case, Church, Caven, Fisher, Fosdick, Gifford, Gray, Green, Hadley,

Hamilton, Hanna, Hess, Hooper, Huey, Humphreys, Jaquess, Johnson of Spencer, Johnson of Montgomery, Kinley, Lee, Montgomery, Morgan, Rice, Reynolds, Robinson of Decatur, Scott, Sherrod, and Wolcott—33.

Those who voted in the negative were,

Messrs. Bradley, Henderson, Howk, Lasselle, Robinson of Madison, Smith and Wood—7.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

Message from the House by Mr. Merwin, clerk thereof.

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the House has passed the following bill thereof, to-wit :

House bill No. 139. A bill for the relief of Nicholas Morback, Joseph E. Lange, and Francis Joseph Wetzler.

In which the concurrence of the Senate is respectfully requested.

The Special Order for this hour being Senate bill No. 197, the Senate went into Committee of the Whole, Mr. Robinson of Madison in the chair.

After spending some time in the consideration of the bill, the committee arose, and through its Chairman made the following report :

MR. PRESIDENT :

The Committee of the Whole Senate having had under consideration Senate bill No. 197, have made some progress therein, and ask leave to sit again.

Which report was concurred in.

Mr. Johnson of Montgomery, asked and obtained leave of absence for Mr. Hanna.

Mr. Hughes moved that Senate bill No. 197 be made the special order for to-morrow at half past ten o'clock.

Which was agreed to.

Message from the House, by Mr. Merwin, clerk thereof.

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate, that the House has passed by unanimous vote, the accompanying report of a Special Committee of the House of Representatives on the report of the Senate message, containing a resolution of the Senate, requesting the House of Representatives to receive the message of the Senate, according to the usages of parliamentary law, all of which is respectfully submitted.

Report of Special Committee of the House of Representatives on Senate message, requesting the House of Representatives to receive the messages of the Senate according to the usages of parliamentary law.

MR. SPEAKER :

The Special Committee, to whom was referred the following message of the Senate, to the House of Representatives, to-wit :

WHEREAS, the following communication from the Secretary of the Senate has been presented to the Senate, viz :

To the President of the Senate :

The Speaker of the House having given direction to the Door-keeper of the House not to announce a message from the Senate while a member of the House has the floor for debate, and on reception of reports I desire instructions from the Senate, as to the time when I shall present such messages to the House.

Signed :

O. M. WILSON,

Secretary of Senate.

Therefore, Resolved, That the House of Representatives be requested to receive the messages of the Senate according to the usages of parliamentary law.

Have had the same under consideration, and after full consideration do now submit the following report:

Your Committee find that the communication made by O. M. Wilson, Secretary of the Senate, to that honorably body, and upon which said proceedings were had, is wholly untrue. That officer states in his complaint to the Senate, that the Speaker of the House having directed the Door-keeper of the House not to announce messages from the Senate while a member of the House has the floor for debate, and on reception of reports.

Your Committee find that the Speaker gave no such directions, but that after the Secretary of the Senate had on several occasions interrupted members of the House while engaged in brief debate, in order to present the message of the Senate, and after complaint and remonstrance had been made against such interruptions, the Speaker of the House directed the Door-keeper, that when it was evident to him that a member engaged in a debate would only occupy the floor for a minute or two of time he should not be interrupted, but that if it was evident that any considerable time would be occupied by the member in addressing the House, the Door-keeper should promptly announce the message from the Senate.

Your Committee are of the opinion that said direction of the Speaker was extending to the Senate in the prompt reception of its messages a greater and more respectful courtesy than parliamentary law and usages prescribes. Mr. Cushing in his *Law of Legislative Assemblies*, Section 814, says:

"But in the House to which a message is sent, it is the practice to suspend or discontinue the business in hand as soon as may be after the message is announced, so as not to unnecessarily detain the messenger * * * But if a member happens to be speaking at the time the messenger attends, it is not usual to receive them until the member has resumed his seat, but as this in some cases might amount to very long detention, it is competent for the Speaker to interrupt the member speaking, or to interrupt a member in presenting a petition, in order to receive the message." The authorities fully support this doctrine. (63 part 56, 769, 8, *Congressional Globe*, 167, 168,) and other authorities cited in note to the text.

Your Committee further submit, that the Senate of Indiana, has heretofore established a rule for itself more stringent than the rule

stated by Mr. Cushing, or ever contemplated by this House at the Regular Session of the General Assembly, A. D., 1865.

On motion of Mr. Cobb, Senator from Lawrence, the Senate unanimously adopted the following resolution :

Resolved, That the Doorkeeper be, and he is hereby instructed not to announce a message from the House during a call of the Senate, the passage or reading of a bill, or while a Senator occupies the floor in addressing the Senate, and that the same be communicated to the House.—[Brevier Report, volume 9, page 62.

Your Committee deem it both proper and respectful to submit to the House, that the Senate in so promptly adopting the resolution in question, without investigation, and upon the mere unsupported, and as it appears, untruthful statement of a subordinate officer, allowed itself to be betrayed into an unkind and unnecessary discourtesy, to a co-ordinate branch of the General Assembly.

Your Committee, not only believe, but certainly know that this House has uniformly received the messages of the Senate, not only "according to the usage of parliamentary law," but according to the rule of a higher courtesy, in acquiescing in the direction of the Speaker as before stated.

Your Committee, therefore, recommend the adoption of the following resolution :

Resolved, That in the judgement of the House, the said preamble and resolution of the Senate, based as they are upon a misstatement of fact, is discourteous and disrespectful to this House.

Resolved, That this House does most earnestly and respectfully request the Senate to cause said matter to be investigated, and if after investigation, it concurs in the opinion and judgement of this House in the premises, that it will mete out to said subordinate officer, such punishment as may be proper in the premises.

Resolved. That a copy of the foregoing report and resolutions be laid before the Senate.

Signed,

J. R. COFFROTH,
MILTON A. OSBORN,
GEO. H. BUSKIRK.

Mr. Cravens moved that the message and accompanying resolution be referred to a Select Committee of three.

Which was agreed to.

And the President appointed on said Committee Messrs. Cravens, Rice and Gifford.

Mr. Fisher moved that when the Senate adjourns, it adjourn to meet to-morrow morning at 10 o'clock, A. M.

Which was agreed to.

Mr. Bellamy moved that Senate bill No. 38 be taken up and referred to the Committee on Elections.

Which was agreed to.

On motion of Mr. Gifford, the Senate adjourned.

FRIDAY MORNING, 10 o'clock, }
February 19, 1869. }

The Senate met.

On motion of Mr. Cravens, the reading of yesterday's journal was dispensed with.

Mr. Cravens, from a joint select committee, submitted the following report :

MR. PRESIDENT :

The joint select committee to whom was referred the concurrent resolution of the two houses, in reference to the purchase or building an executive mansion, have had the same under consideration, and have directed me to make the following report :

In the discharge of the duties imposed by said resolution, your committee at once entered upon the investigation of the matters so referred, keeping prominently in view the actual wants of the State and the question of true economy as connected therewith. Many of the citizens of Indianapolis, proprietors of elegant residences, very kindly invited your committee to visit and examine their respective mansions, expressing an entire willingness to dispose of them to the State, provided your committee should deem them adapted to the purpose desired. Many of these residences are elegant in their proportions, and admirably adapted to private families with ample income, but in the opinion of your committee the most of these are wholly unsuited, both in their arrangement and cost, as a residence for the Executive of the State.

Your committee, therefore, unanimously determined that it would be impolitic and inexpedient to purchase a house ; but, inasmuch as the State already owns the most eligible site in the city for an executive mansion, they would, therefore, recommend that the four acres lying north of the Blind Asylum be appropriated and set apart for such use, and that an appropriation of money to build a suitable house thereon shall likewise be appropriated for this purpose.

Your committee has instructed me to report the accompanying bill on this subject, and ask that the same may be passed.

Which report was concurred in.

Senate bill No. 257. An act to provide for the erection of an executive mansion, making an appropriation for the site thereof, the means for its construction, and appointing a building committee to superintend the same, and declaring an emergency.

Which was read a first time and referred to the Committee on Public Buildings.

Mr. Cravens presented the claim of Dennis Sullivan, hack driver. Which was referred to the Committee on Claims.

On motion of Mr. Fisher, the regular order of business was suspended for the introduction of bills.

Mr. Bradley asked and obtained leave of absence for Mr. Morgan until 12 o'clock on Monday next.

BILLS INTRODUCED.

Mr. Fisher introduced

Senate bill No. 258. An act to allow partnerships to bring and maintain suits, in their adopted names, in certain cases.

Which was read a first time, and referred to the Committee on the Judiciary.

Mr. Reynolds introduced

Senate bill No. 259. An act to authorize the Governor to issue a patent to Samuel Cooper for certain Michigan Road land in St. Joseph county.

Was read a first time.

Mr. Bradley moved a suspension of the rules, and that the bill be read a second and third time now.

The ayes and noes were taken under the Constitution.

Those who voted in the affirmative were,

Messrs. Andrews, Armstrong, Beardsley, Bellamy, Bradley, Carson, Case, Church, Cravens, Elliott, Fisher, Gifford, Gray, Green,

Hadley, Hamilton, Henderson, Hess, Hooper, Hawk, Huey, Huffman, Hughes, Humphreys, Jaquess, Johnson of Spencer, Kinley, Lasselle, Lee, Morgan, Rice, Reynolds, Robinson of Madison, Robinson of Decatur, Scott, Sherrod, Smith, Wolcott and Wood—39.

So the rules were suspended.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Andrews, Armstrong, Beardsley, Bellamy, Bradley, Carson, Case, Church, Cravens, Elliott, Fisher, Gifford, Gray, Green, Hadley, Hamilton, Henderson, Hess, Hooper, Hawk, Huey, Hughes, Humphreys, Jaquess, Johnson of Spencer, Kinley, Lee, Morgan, Rice, Reynolds, Robinson of Madison, Robinson of Decatur, Scott, Sherrod, Smith, Wolcott and Wood—37.

No Senator voted in the negative.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

Mr. Hamilton introduced

Senate bill No. 260. An act to increase the fees of County Treasurers for collecting delinquent taxes, and to impose penalties on such treasurers for a failure to use due diligence in the collection of such taxes.

Which was read a first time, and referred to the Special Committee on Fees and Salaries.

Mr. Fisher introduced

Senate bill No. 261. An act to allow cities and incorporated towns, within this State, to erect buildings for fire and other municipal purposes, on docks and wharves in certain cases.

Which was read a first time, and referred to the Committee on the Judiciary.

Mr. Hooper introduced

Senate bill No. 262. An act requiring certain pleadings of fact in actions founded upon bills of exchange, promissory notes, and accounts to be verified by affidavit.

Which was read a first time, and referred to the Committee on the Judiciary.

Mr. Cravens introduced

Senate bill No. 263. An act authorizing notaries public, and others, authorized to administer oaths, to perform such oaths in behalf of pensioners free of charge, and fixing a penalty for the violation of this requirement.

Which was read a first time, and referred to the Committee on the Judiciary.

Mr. Scott introduced

Senate bill No. 264. An act supplemental to an act entitled "An act to require surviving partners to file inventories and appraisements in the office of the Clerk of the Court of Common Pleas, and to report liabilities of the firm," approved March 5th, 1859, further requiring such surviving partner to file bonds in said office, and requiring said Clerk to spread said inventories, appraisements and reports of liabilities on record.

Which was read a first time and referred to the Committee on County and Township Business.

Mr. Armstrong introduced

Senate bill No. 265. "An act to amend Section 16 of an act entitled an act providing for the election or appointment of Supervisors of Highways, and prescribing certain of their duties, and those of County and Township Officers in relation thereto, and providing for an appeal in certain cases to the Circuit or Common Pleas Court.

Which was read a first time and referred to the Committee on Roads.

Mr. Bradley introduced

Senate bill No. 266. An act to amend the 68th Section of an act entitled "An act to revise, simplify, and abridge the rules, practice, pleadings and forms in criminal actions in the Courts of this State.

Which was read a first time and referred to the Committee on the Judiciary.

Mr. Gray introduced

Senate bill No. 267. An act to prevent the destruction and larceny of timber and stone and prescribing punishment therefor.

Which was read a first time and referred to the Committee on Rights and Privileges of the Inhabitants of the State.

Mr. Cravens introduced

Senate bill No. 268. "An act to amend the first section of an act to fix the time of holding the Courts of Common Pleas in the Fifth Judicial District, repealing all other laws on the same subject, and declaring when this act shall take effect.

Mr. Cravens moved a suspension of the rules, and that the bill be read a second and third times now.

The ayes and noes were taken under the Constitution.

Those who voted in the affirmative were,

Messrs. Andrews, Armstrong, Beardsley, Bellamy, Bradley, Carson, Case, Caven, Church, Cravens, Elliott, Fisher, Fosdick, Gifford, Gray, Green, Hadley, Hamilton, Henderson, Hess, Hooper, Howk, Huey, Huffman, Hughes, Humphreys, Jaquess, Johnson of Spencer, Kinley, Lasselle, Lee, Montgomery, Morgan, Rice, Reynolds, Robinson of Madison, Robinson of Decatur, Scott, Sherrod, Smith, Turner, Wolcott and Wood—43.

So the rules were suspended.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Armstrong, Andrews, Beardsley, Bellamy, Bradley, Carson, Case, Caven, Church, Cravens, Elliott, Fisher, Fosdick, Gifford, Gray, Green, Hadley, Hamilton, Henderson, Hess, Hooper, Howk, Huey, Huffman, Hughes, Humphreys, Jaquess, Johnson of Spencer, Kinley, Lasselle, Lee, Montgomery, Morgan, Rice, Reynolds, Robinson of Madison, Robinson of Decatur, Scott, Sherrod, Smith, Turner, Wolcott and Wood—43.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

Mr. Hughes moved that the Senate go into a Committee of the Whole, for the consideration of Senate bill No. 197, the special order for this hour.

Which was agreed to.

Mr. Robinson, of Madison, in the chair.

After having the same under consideration,

The committee arose, reported progress, and asked leave to sit again on Wednesday next, at 2 o'clock.

Which report was concurred in.

Message from the House by Mr. Merwin, Clerk thereof.

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bills thereof, to-wit :

House bill No. 66. A bill defining a certain felony and misdemeanor, prescribing punishment therefor, and declaring an emergency.

Also House bill No. 18. A bill to amend sections 2 and 4 of an act for the incorporation and continuance of Building and Loan Fund and Savings' Associations, and supplemental thereto.

Also House bill No. 65. A bill amending section 15 of an act entitled "an act for the incorporation of manufacturing and mining companies, and for mechanical, chemical and building purposes," approved May 20th, 1852, and declaring the meaning of the word "annually" as used in the 13th section of said act.

Also House bill No. 34. A bill to enable incorporated towns to lay out, open, grade, and improve streets and alleys, and make public improvements therein, and to make surveys and adopt plats, where the same have been lost or destroyed, and prescribing the duties of the Board of Trustees, and providing for the mode of working and improving streets and alleys, and declaring an emergency.

Also House bill No. 94. A bill to amend section 39 of an act entitled "an act defining felonies, and prescribing punishment therefor," approved June 10th, 1852.

Also, House bill No. 54. A Bill to amend section 531 of an act entitled "An act to revise, simplify and abridge, the rules of practice, pleadings and forms in civil cases, in the Courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity," approved June 18, 1852, and providing for the recording of recognizances and the compensation of officers therefor.

And also that the House has passed Senate Joint Resolution No. 3. "A resolution instructing Senators, and requesting Representatives in Congress to inquire into losses of men belonging to Battery "F" U. S. Artillery, and take action to repair said losses.

And also House bill No. 83. A bill to amend sections 16, 17, and 18, of an act entitled "An act regulating the fees of officers, and repealing former acts in relation thereto," approved March 2, 1855, providing for the fees and mileage of witnesses and jurors, and declaring an emergency.

In all of which, the concurrence of the Senate is respectfully requested.

PETITIONS, MEMORIALS AND REMONSTRANCES.

Mr. Hughes presented the claim of T. M. Brown, for services as Attorney on the Morgan Raid Commission, for \$1,500.

Which was referred to the Committee on Finance.

Mr. Kinley presented a petition from sundry citizens of Johnson county, asking for the passage of a prohibitory liquor law.

Which was referred to the Committee on Temperance.

Mr. Caven presented a petition from sundry citizens of Indianapolis, asking for the establishment of a Homœopathic Department in the proposed Medical College.

Which was referred to the Special Committee on Medical Legislation.

Mr. Kinley presented a petition from sundry citizens of Wayne county, asking for a prohibitory liquor law.

Which was referred to the Committee on Temperance.

Mr. Scott asked, and obtained leave of absence for Mr. Beardsley.

Mr. Church asked, and obtained leave of absence for Mr. Fossdick.

Mr. Cravens asked, and obtained leave of absence for Mr. Fisher.

Mr. Fisher moved a suspension of the order of business, and to take up messages from the House.

Which was agreed to.

HOUSE BILLS ON FIRST READING.

House bill No. 6. A bill providing for the location, construction and use of lateral railroads, and the assessment of damages occasioned by the location, construction and use of the same.

Was read a first time and referred to the Committee on County and Township Business.

Engrossed House bill No. 12. A bill to amend section 5 of an act entitled "An act to provide for the equalizing the appraisement of the real property of the State of Indiana," approved May 28, 1852.

Was read a first time and referred to the Committee on County and Township Business.

House bill No. 59. An act to fix the time of holding the Circuit Courts in the counties of Kosciusko and Noble, of the Fourteenth Judicial Circuit.

Was read a first time.

Mr. Hooper moved that the rules be suspended and the bill be read a second and third times now.

The ayes and noes were taken under the Constitution.

Those who voted in the affirmative were,

Messrs. Andrew Armstrong, Beardsley, Bellamy, Bradley, Car-

son, Case, Caven, Church, Cravens, Elliott, Fisher, Fosdick, Gifford, Gray, Green, Hamilton, Henderson, Hess, Hooper, Huey, Huffman, Hughes, Humphreys, Jaquess, Johnson of Spencer, Kinley, Lasselle, Lee, Montgomery, Morgan, Rice, Reynolds, Robinson of Madison, Robinson of Decatur, Scott, Smith, Turner and Wolcott—40.

So the rules were suspended.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Andrews, Armstrong, Beardsley, Bellamy, Bradley, Carson, Case, Caven, Church, Cravens, Denbo, Elliott, Fisher, Fosdick, Gifford, Green, Hamilton, Henderson, Hess, Hooper, Huey, Huffman, Hughes, Humphreys, Jaquess, Johnson of Montgomery, Lee, Montgomery, Morgan, Reynolds, Robinson of Madison, Robinson of Decatur, Scott, Sherrod, Smith, Turner, Wolcott and Wood—38.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

House bill No. 203. An act fixing the time of holding Circuit Courts in the several counties composing the Sixth Judicial Circuit, repealing all laws in conflict therewith, making all process returnable to the time fixed by this act, and regulating the transaction of business therein.

Was read a first time and referred to the Committee on the Organization of Courts.

House bill No. 248. An act fixing the time of holding Circuit Courts in the several counties composing the Fourth Judicial Circuit of this State, and declaring an emergency.

Was read a first time and referred to the Committee on the Organization of Courts.

House bill No. 38. An act declaring certain contracts made by or with common carriers void.

Was read a first time by its title, and referred to the Committee on the Judiciary.

Engrossed House bill No. 46. A bill to legalize the sale of Seminary lands in Jasper county.

Which was read a first time and referred to the Committee on Education.

Engrossed House bill No. 84. A bill regulating the fees of the members of the State Board of Education.

Was read a first time and referred to the Committee on Fees and Salaries.

Engrossed House bill No. 11. An act to create the 21st and 22d Judicial Circuits, to fix the times of holding courts therein, to provide for the election of Judges and Prosecuting Attorneys therein, and also to fix the time of holding the spring term of the Court of Common Pleas in Miami county.

Was read a first time and referred to the Committee on the Organization of Courts.

Engrossed House bill No. 244. An act to amend the 6th section of an act entitled An act to fix the times of holding the Common Pleas Courts in the several counties of this State, the duration of the terms thereof, and making all process from the present Common Pleas Courts returnable to such terms, and declaring when this act shall take effect, and repealing all laws inconsistent therewith, approved March 5th, 1859.

Which was read a first time.

Mr. Kinley moved that the rules be suspended, and the bill be read a first, second, and third times now.

The ayes and noes were taken, under the Constitution.

Those who voted in the affirmative were,

Messrs. Andrews, Armstrong, Beardsley, Bellamy, Bradley, Carson, Case, Caven, Church, Cravens, Elliott, Fisher, Fosdick, Gifford, Green, Hamilton, Henderson, Hess, Hooper, Howk, Huey, Huffman, Hughes, Humphreys, Jaquess, Johnson of Spencer, Johnson of Montgomery, Kinley, Lasselle, Lee, Montgomery, Morgan, Robinson of Madison, Robinson of Decatur, Scott, Smith, Turner, Wolcott, and Wood—39.

No Senator voted in the negative.

So the rules were suspended, and the bill was read a second and third times.

The question being, Shall the bill pass?

Those who voted in the affirmative were,

Messrs. Andrews, Armstrong, Beardsley, Bellamy, Bradley, Carson, Case, Caven, Church, Cravens, Denbo, Elliott, Fisher, Fosdick, Gifford, Green, Hadley, Hamilton, Henderson, Hess, Hooper, Howk, Huey, Huffman, Hughes, Humphreys, Jaquess, Johnson of Spencer, Johnson of Montgomery, Kinley, Lasselle, Lee, Morgan, Montgomery, Rice, Reynolds, Robinson of Madison, Robinson of Decatur, Scott, Sherrod, Smith, Turner, Wolcott, and Wood—44.

No Senator voted in the negative.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

Engrossed House bill No. 3. A bill to authorize Judges of Courts of Common Pleas to appoint Judges to hold adjourned terms in certain cases, and providing compensation for the same.

Was read a first time, and referred to the Committee on Organization of Courts.

House bill No. 202. An act to make certain specific appropriations therein designated.

Was read a first time by its title, and referred to the Committee on Finance.

Engrossed House bill No. 18. Amend section 2 and 4 of an act for the incorporation and continuance of Building and Loan Fund and Saving Associations, and supplemental thereto.

Was read a first time, and referred to the Committee on Corporations.

House bill No. 66. An act defining certain felony and misdemeanor, prescribing punishment therefor, and declaring an emergency.

Was read a first time by its title, and referred to the committee on the Judiciary.

House bill No. 65. An act amending section 15 of an act entitled An act for the incorporation of manufacturing, and mining companies, and for mechanical, chemical, and building purposes, approved May 20th, 1852, and declaring the meaning of the word "annually," as used in the 13th section of said act.

Was read a first time by its title, and referred to the Committee on Corporations.

Engrossed House bill No. 34. An act to enable incorporated towns to lay out, open, grade, and improve streets and alleys, and make any improvements therein, and to make surveys and adopt plats, where the same have been lost or destroyed, and prescribing the duties of the Board of Trustees, and providing for the mode of working and improving streets and alleys, and declaring an emergency.

Was read a first time by its title, and referred to the Committee on Corporations.

Engrossed House bill No. 94. A bill to amend section 39 of an act entitled An act defining felonies, and prescribing punishment therefor, approved June 10th, 1852.

Was read a first time, and referred to the Committee on the Judiciary.

Engrossed House bill No. 54. A bill to amend section 531 of an act entitled An act to revise, simplify and abridge the rules of practice, pleadings, and forms in civil cases in the Courts of this State; and providing for the recording of recognizances and the compensation of officers therefor.

Was read a first time, and referred to the Committee on the Judiciary.

Engrossed House bill No. 139. An act for the relief of Nicholas Morback, Joseph E. Lange, and Francis Joseph Wetzler.

Was read a first time, and referred to the Committee on Claims.

Engrossed House bill No. 30. An act to amend section 9, of an act providing for the election of Clerks of the Circuit Court, and prescribing some of their duties, and declaring an emergency.

Was read a first time by title, and referred to the Committee on Elections.

Engrossed House bill No. 62. An act to amend section 147, of an act entitled an act to provide for a general system of common schools, the officers thereof, and their respective powers and duties and matters properly connected therewith, and prescribing the fees of certain officers therein named, and for the establishment and regulation of township libraries, and to repeal all laws inconsistent therewith, providing penalties therein prescribed, approved March 6th, 1865.

Was read a first time, and referred to the Committee on Education.

Engrossed House bill No. 83. A bill to amend sections 16, 17 and 18 of an act entitled "An act regulating the fees of officers, and repealing former acts in relation thereto," approved March 2d, 1855 ; providing for the fees and mileage of witnesses and jurors, and declaring an emergency.

Was read a first time, and referred to the Committee on Fees and Salaries.

Senate concurrent resolution, voting each employee of the Legislature, who has served in the army, a copy of the Adjutant General's Report.

Was taken up, and the following amendments thereto by the House, were read : "Amend by saying an equal number of the reports to be distributed to each county, through the members of the General Assembly."

Mr. Kinley moved to amend by requiring one copy of said reports to be sent to the county and township libraries of each county in the State.

Mr. Scott moved to refer the whole subject to a Select Committee of three.

Which was agreed to.

And the President appointed on said Committee, Messrs. Scott, Case and Carson.

Mr. Cravens moved to instruct said Committee as follows : To insert an amendment providing that each member of the House and Senate, not heretofore supplied with a copy, and each employee

contemplated in the Senate resolution, be each supplied with a copy of said reports.

Which was agreed to.

Mr. Green moved to lay the amendment offered by Mr. Kinley on the table.

Which was agreed to.

Mr. Walcott moved to amend the instructions to the Committee as follows: Require the Committee to confer with the Librarian to ascertain the number of copies required by the State Librarian, for the use of the Library, with instructions to report a distribution of the balance of the copies among the members of the General Assembly.

Which was agreed to.

Mr. Hughes moved to lay the whole subject on the table.

The ayes and noes were demanded by Messrs. Carson and Humphreys.

Those who voted in the affirmative were,

Messrs. Andrews, Armstrong, Case, Caven, Cravens, Denbo, Green, Hooper, Hughes, Humphreys, Johnson of Montgomery, Reynolds, Sherrod and Smith—15.

Those who voted in the negative were,

Messrs. Beardsley, Bellamy, Bradley, Carson, Church, Elliott, Fosdick, Gifford, Gray, Hadley, Hamilton, Hess, Howk, Huey, Jaquess, Johnson of Spencer, Kinley, Lasselle, Lee, Morgan, Rice, Robinson of Madison, Robinson of Decatur, Scott, Turner, Wolcott and Wood—27.

So the motion to lie upon the table did not prevail.

On motion, the Senate adjourned.

FRIDAY, 2 O'CLOCK P. M.

The Senate met.

PETITIONS, MEMORIALS AND REMONSTRANCES.

Mr. Wolcott presented the petition of sundry citizens of White county, asking that an appropriation be made for the establishment of a house of reform, at the City of Indianapolis, for the destitute girls of the State of Indiana.

Which was referred to the Committee on Prisons.

REPORTS FROM STANDING COMMITTEES.

Mr. Case, from the Committee on Elections, made the following report :

MR. PRESIDENT :

The Committee on Elections, to whom was referred Senate bill No. 92, entitled an act to amend section 15 of an act entitled an act regulating general elections, and prescribing duties of officers in relation thereto, approved March 11, 1867, had the same under consideration, and do now report the same back to the Senate and recommend that it lie on the table.

Which was concurred in.

Mr. Reynolds submitted the following report :

MR. PRESIDENT :

The Committee on Elections, to whom was referred Senate bill No. 221, "An act to revise and amend sections 6, 15, and 29, and to repeal section 30 of the general election law of 1852, and to repeal the registry law of 1867, have had the same under consideration, and do now report the same back to the Senate and recommend that it lie on the table.

Which report was concurred in.

Mr. Robinson of Madison, from the Committee on Elections, made the following report :

MR. PRESIDENT :

The Committee on Elections, to whom was referred Senate bill No. 108, entitled an act to amend section two of an act entitled an act to provide for the registry of voters, and to declare their residence, and to punish fraudulent practices touching elections, and defining the duties of certain officers therein named, and the form of ballots, and providing compensation for the services of such officers, approved March 11, 1867, have had the same under consideration, and do now report the same back to the Senate and recommend its passage.

Which report was concurred in.

Mr. Scott, from the Committee on Elections, submitted the following report :

MR. PRESIDENT :

The Committee on Elections, to whom was referred Senate bill No. 189, entitled an act to amend Section 18 of an act entitled "An act to provide for the registry of voters and to declare their residence, and to punish fraudulent practices touching elections, and defining the duties of certain officers therein named and the form, of the ballots, and providing compensation for the services of such officers," have had the same under consideration, and do now report the same back to the Senate with the following amendments, to-wit :

Amend by adding

SECTION 2. *Be it further enacted*, That any disregard or violation of the provisions of this act, or any other provisions of Section 18 of the "Act to provide for the registry of voters and to declare their residence, and to punish fraudulent practices touching elections, and defining the duties of certain officers therein named, and the form of the ballots, and providing compensation for the services of such officers," (approved March 11, 1867,) shall be *prima facie* evidence of fraud, and shall be so taken and construed in all contested cases.

And when so amended, the Committee recommend the passage of the bill.

Which report was concurred in.

Mr. Case, from the Committee on Elections, made the following report:

MR. PRESIDENT:

The Committee on Elections, to whom was referred Senate bill No. 193, entitled a bill to amend Sections 1 and 10 of an act entitled an act to provide for the registry of voters and to declare their residence, and to punish fraudulent practices touching elections, and defining the duties of certain officers therein named, and the form of the ballots, and providing compensation for the services of such officers, approved March 11, 1867, have had the same under consideration, and now report the same back to the Senate, and recommend that it lie on the table.

Which was concurred in.

REPORTS OF SELECT COMMITTEES.

Mr. Case, from a Select Committee, made the following report:

MR. PRESIDENT:

The Select Committee of one from each Congressional District, appointed by resolution of the Senate, to whom was referred Senate bill No. 230, providing for the appointment of Commissioners to sell certain real estate therein named, to provide a residence for the Governor of the State, &c., have had the same under consideration, and have directed me to report the following amendments thereto, to-wit:

1. Prefix a title to the bill as follows: "An act to revise and amend Section 4 of an act entitled an act appointing Commissioners to sell certain Real Estate therein named, to provide a residence for the Governor of the State, and to make him an allowance in lieu thereof, until the same is provided, and matters properly connected therewith.—Approved February 25, 1865.

2. Strike out the words following the words "section of," in the third line, to the words "be amended," in the tenth line, on the first page, and insert the following words in lieu thereof, to-wit: "The above entitled act."

3. Insert after the word "this," in the second line of the third page, the word "act."

4. Strike out the words "one thousand," in the fourth line of the third page, and insert in lieu thereof the words "twenty-five hundred."

And that, when so amended they recommend the passage of the bill.

Which report was concurred in.

Mr. Carson moved to take up the resolutions reported by the Committee of the Whole Senate upon that portion of the Governor's Message in reference to the payment of the old Internal Improvement Bonds.

Which was agreed to.

Mr. Carson offered the following resolutions as a substitute for those reported by the Committee of the Whole :

1. *Be it Resolved*, By the Senate, and House of Representatives concurring, that the action of the Governor of the State of Indiana, and his agent, the Adjutant General, in the settlement of the old Internal Improvement Bonds, held by the General Government in trust for certain Indian tribes, referred to in his message of 1869 to the General Assembly, was authorized by the laws of the State of Indiana.

2. *Resolved*, That the General Assembly of the State of Indiana should make no provision for the payment of the principal or interest due, or to become due, on the old Internal Improvement Bonds, except as provided in the acts of 1846 and 1847, known as the "Butler Bills."

3. *Resolved*, That the action of the Governor in the settlement, through his agent, the Adjutant General, of \$250,000 advanced to Governor Morton by the President of the United States, in 1863, was unauthorized by law, and that no legislation sanctioning the settlement of the matters embraced in the resolutions and referred to by the Governor in his message, as embraced in the report of the Adjutant General, should be entertained or proposed by the General Assembly.

Mr. Cravens moved that the resolutions be laid upon the table.

Message from the House, by Mr. Merwin, Clerk thereof :

MR. PRESIDENT :

I am directed by the Speaker of the House of Representatives to inform the Senate that the Speaker has signed Senate Joint Resolution No. 3, entitled "A Joint Resolution instructing our Senators and requesting our Representatives in Congress to inquire into losses of men belonging to Battery 'F,' U. S. Artillery, and take action to repair said losses," and which is herewith returned to the Senate.

RESOLUTIONS.

Mr. Wolcott offered the following resolution :

Resolved, That in the opinion of the State of Indiana it is the duty of the Superintendent of the Blind Asylum to close against public use the alley or road way now dividing the ground attached to the Blind Asylum, and that a copy of this resolution be transmitted by the Secretary of the Senate to the Superintendent of the Blind Asylum.

Which was adopted.

Mr. Lasselle offered the following resolution :

Resolved, That the Select Committee of one from each Congressional District, appointed by resolution of the Senate, on Offices, Fees, Salaries, and Expenditures, be, and they hereby are, authorized to continue their sessions, and have leave to report until the 5th proximo.

Which was adopted.

Mr. Lasselle offered the following resolution :

WHEREAS, A communication in the Cincinnati Commercial newspaper of the 17th inst., signed, "Jargo," and severely reflecting upon several members and a Standing Committee of this body, is alleged to have been written by an individual entitled to the privileges of the floor of this Senate as a reporter of its proceedings, therefore,

Resolved, That said communication be referred to the Committee, on Rights and Privileges, with instructions to inquire whether
S. J.—30.

such communication was written by such reporter, with power to send for persons, and to report by resolution or otherwise.

✓ Which was adopted.

Mr. Gray moved to re-consider the vote on the adoption of the resolution.

Which was agreed to.

Mr. Gray moved that the resolution be laid on the table.

The ayes and noes were demanded by Messrs. Carson and Humphreys.

Those who voted in the affirmative were,

Messrs. Andrews, Bellamy, Case, Caven, Church, Elliott, Gray, Hadley, Hamilton, Hess, Jaquess, Johnson of Spencer, Rice, Robinson, of Madison, Robinson of Decatur and Wood—16.

Those who voted in the negative were,

Messrs. Armstrong, Beardsley, Bradley, Carson, Cravens, Fosdick, Gifford, Green, Henderson, Hooper, Howk, Huey, Hughes, Humphreys, Johnson of Montgomery, Kinley, Lasselle, Lee, Morgan Reynolds, Scott and Wolcott—22.

So the motion to lay upon the table did not prevail.

Message from the House, by Mr. Merwin, clerk thereof.

MR. PRESIDENT :

I am directed by the Speaker of the House of Representatives to inform the Senate that the Speaker has signed the following enrolled act of the House, to-wit:

House Enrolled act No. 59, "An act to fix the time of holding the Circuit Courts in the counties of Kosciusko and Noble of the 14th Judicial Circuit.

Also, House Enrolled act No. 244, An act to amend the Sixth Section of an act entitled 'An act to fix the times of holding the Common Pleas Courts in the several counties of this State, the duration of the terms thereof, and making all process from the present Common Pleas Courts returnable to such terms, and declaring

when this act shall take effect, and repealing all laws inconsistent therewith," approved March 5th, 1859, and which are herewith transmitted for the signature of the President of the Senate.

Message from the House, by Mr. Merwin, clerk thereof.

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate, that the House has passed the following Engrossed Senate bills, to-wit :

Senate bill No. 256. "A bill to fix the time of holding the courts of Common Pleas in the Eleventh Judicial District, repealing all other laws on the same subject, and declaring when this act, shall take effect."

Also, Senate bill No. 178. "A bill to regulate the terms of the Circuit Courts in the First Judicial Circuit."

Also Senate bill No. 259. A bill to authorize the Governor to issue a patent to Samuel Cooper for certain Michigan Road land in St. Joseph county.

And the same are herewith returned to the Senate.

Mr. Hadley demanded the previous question,

Which was seconded by the Senate.

The question being on the passage of the resolution,

The ayes and noes were demanded by Messrs. Gray and Humphreys.

Those who voted in the affirmative were,

Messrs. Beardsley, Bradley, Carson, Cravens, Fosdick, Gifford, Green, Henderson, Hooper, Howk, Huey, Hughes, Humphreys, Johnson of Montgomery, Kinley, Lasselle, Lee, Montgomery, Morgan, Reynolds, Scott and Wolcott—23.

Those who voted in the negative were,

Messrs. Andrews, Armstrong, Bellamy, Case, Caven, Church Elliott, Gray, Hadley, Hamilton, Hess, Jaquess, Johnson of S, en-

cer, Rice, Robinson of Madison, Robinson of Decatur, and Wood
—17.

So the resolution was adopted.

Mr. Hughes moved to reconsider the vote.

Mr. Johnson, of Montgomery, moved to lay the motion to reconsider upon the table.

Which was agreed to.

Message from the House by Mr. Merwin, Clerk thereof.

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed Senate bill :

Senate bill No. 222. A bill to legalize certain defective and irregular tax assessments for the year 1868 in incorporated cities, and declaring an emergency.

Also Senate bill No. 268. A bill to amend section one of an act to fix the time of holding the Courts of Common Pleas in the Fifth Judicial District, repealing all other laws on the same subject, and declaring when this act shall take effect.

Also that the House has passed Senate Joint Resolution No. 10, instructing our Senators and requesting our Representatives in Congress to use their influence and vote against any measure to legalize coin contracts, until the United States shall redeem its treasury notes in coin.

And the same are herewith returned to the Senate.

Mr. Gifford offered the following resolution :

Resolved, That Senator William H. Montgomery, from the counties of Pike, Dubois and Martin, be allowed the usual mileage for coming to, and returning from his residence to the Capitol, the same to be paid on the order of the President of the Senate.

Which was adopted.

The following communication was laid before the Senate by the President.

To the Senate of Indiana :

Seeing that there is a bill pending in the Legislature to sell Square No. 25, known as University Square, in the city of Indianapolis, we propose to purchase the same upon the following terms :

We will pay therefor the sum of eighty thousand dollars, (\$80,000) in ten equal annual payments, beginning with the year 1880, with interest at the rate of six per cent. per annum, payable semi-annually in advance, the State to retain the title till one-half the principal be paid, and then to convey and take a mortgage for the unpaid part. If any installment of interest remains unpaid for thirty days after the sum shall become due, then the entire debt to become due, and if the State elects she may sue for and recover the entire debt or the installment of interest due. For the prompt payment of the interest, we will give any security that the Legislature may require.

Which was referred to the Committee on Education.

Mr. Montgomery offered the following concurrent resolution :

WHEREAS, The twenty-second day of February, now approaching, brings to us the anniversary of the birthday of that wise statesman and most illustrious patriot, George Washington, whose name will be honored and revered among men as long as pre-eminent virtues and exalted greatness of character shall command respect.

AND WHEREAS, It is both proper and customary for men to commemorate by public demonstrations, the memory and the anniversary of the birth of those who have greatly served their country and been benefactors of their race, therefore,

Be it resolved by the Senate, (the House of Representatives concurring,) That in honor of the birthday of Washington, the Adjutant General be and he is hereby directed to cause a national salute of thirty-six guns to be fired in front of the State House at 12 o'clock on the next ensuing twenty-second of February.

Which was adopted.

Message from the House, by Mr. Merwin, Clerk thereof.

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed the following Engrossed Senate bill, to-wit:

Senate bill No. 119. A bill to fix the times of holding the Courts of Common Pleas in the various counties composing the Fourth Common Pleas Judicial District, providing for the return of process, repealing all acts in conflict with the provisions of this act, and declaring an emergency.

Also Senate bill No. 133. A bill amendatory of the act touching the removal and re-location of county seats.

Also, Senate bill No. 138. A bill to amend the second section of an act entitled "An act to amend the 14th and 18th sections of an act entitled 'An act to fix the times of holding the Common Pleas Courts in the several counties of this State, the duration of the terms thereof, and making all process from the present Common Pleas Courts returnable to such terms, and declaring when this act shall take effect, and repealing all laws inconsistent therewith, approved March 5, 1859'" approved May 11, 1861.

Also, Senate bill No. 27. A bill authorizing the Bristol Hydraulic Company to erect and maintain a dam across the St. Joseph River at or near Bristol.

And also, Senate bill No. 56. A bill to amend sections 133 and 134 of "An act providing for the settlement of decedents' estates, prescribing the rights, liabilities and duties of officers connected with the management thereof, and the heirs thereto, and certain forms to be used in such settlement," approved June 17, 1852.

And the same are herewith returned to the Senate.

Mr. Wolcott moved to take up concurrent resolution proposing an amendment to the Constitution of the State of Indiana preventing legislation making the State liable for any certificates or stocks issued under the act of January 19, 1846, and the act supplemental to said act, passed January 19, 1847, and correct a clerical error therein.

Which was agreed to.

Mr. Cravens moved to recommit the resolution to the Committee on the Judiciary, with instructions to inquire whether any legislation was necessary to protect the State from the payment of the debt contemplated in the resolution.

Mr. Scott moved to amend by referring the resolution to the Committee on Canals and Internal Improvements, with instructions.

Mr. Bellamy asked and obtained leave of absence for Mr. Wood till Friday of next week.

Mr. Gifford asked and obtained leave of absence for Mr. Reynolds.

Resolved, That when the Senate adjourns it adjourn till Monday 2 o'clock, P. M.

Mr. Carson moved to lay the resolution on the table.

Which was agreed to.

On motion by Mr. Bradley, the Senate adjourned.

SATURDAY MORNING, 9 o'clock, }
February 20th, 1869. }

The Senate met.

On motion by Mr. Church, the reading of yesterday's Journal was dispensed with.

Mr. Green asked and obtained leave of absence for Mr. Robinson of Madison, until Monday next.

Mr. Robinson of Madison, asked and obtained leave of absence for Mr. Green until Monday next.

The President laid before the Senate the following communication from the Auditor of State:

OFFICE OF AUDITOR OF STATE, }
INDIANAPOLIS, IND., February 19, 1869. }

HON. WILL CUMBACK,

President of the Senate:

SIR:—In response to the resolution adopted by the Senate on the 18th inst., I have the honor to transmit herewith a statement showing the expenditures on account of Executive Officers, Governor's Office and Governor's House, for the fiscal year ending October 31, 1868.

Very Respectfully,

Your Ob't. Serv't.,

JOHN D. EVANS,

Auditor of State.

Which communication and accompanying statement, were referred to the Committee on Fees and Salaries.

The question pending on last evening at adjournment, being upon the motions to refer Mr. Wolcott's resolution proposing a Constitutional amendment.

On motion of Mr. Wolcott, the same was laid upon the table until Wednesday next.

PETITIONS, MEMORIALS AND REMONSTRANCES.

Mr. Henderson presented a petition from sundry citizens of Johnson county, asking for the enactment of a law prohibiting the traffic in intoxicating liquors as a beverage.

Which was referred to the Committee on Temperance.

RESOLUTIONS.

Mr. Henderson offered the following resolution :

Resolved, That when the Senate adjourns, it adjourn until Monday, two o'clock P. M.

Which was adopted.

Mr. Robinson of Decatur, offered the following resolution :

Resolved, That after to-day all special orders shall be made for 7 o'clock P. M., and all special orders now pending be fixed for the same hour of the days for which they are set.

Which was laid over one day, under the rules of the Senate.

REPORTS FROM STANDING COMMITTEES.

Benevolent Institutions.

Mr. Church, from the Committee on Benevolent Institutions, made the following report, which was referred to the Committee on Finance :

REPORT OF THE COMMITTEE ON BENEVOLENT INSTITUTIONS.

MR. PRESIDENT :

The Committee on Benevolent Institutions entered upon the discharge of the duties assigned them with a full sense of the responsibility imposed upon its members by the deep interest manifested in the welfare of the insane, the deaf and dumb, and the blind, by the citizens of the State. No one knows how soon he may be stricken, either in his own person or in that of his children, with one or another of these sore calamities—the want of reason,

hearing or sight. The Benevolent Institutions of the State—the homes of the friendless, the afflicted, and the unfortunate—are dear to her citizens, who have ever manifested a cheerful willingness to provide everything necessary for their support; but who, while willing that they should be generously supplied and liberally sustained, rightly insist upon a wise economy in their management, and a strict accountability from the men appointed to control the means put in their hands for their support.

The Committee, therefore, have felt it to be their duty, due as well to the citizens of the State as to the members of the Senate, to make as thorough an examination into the condition and wants of these Institutions as their importance demanded and the limited time at their disposal would allow.

The members of the Committee visited each of the Institutions, and examined, as thoroughly as they could, the various departments. They found them in good condition, and were satisfied that they were well managed, and were accomplishing the good ends for which they were created.

HOSPITAL FOR THE INSANE.

Your Committee beg leave to report the following relative to the Indiana Hospital for the Insane :

We found the hospital buildings, in all their various rooms and wards, to be highly comfortable and strictly tidy, and that the patients were as well satisfied and as cheerful as could be expected of persons in their deplorable mental condition.

Four wards of the new north wing, with a capacity for about one hundred and twenty patients, are now completed and will be ready for occupancy so soon as the appropriation for furnishing them shall be made. The remaining four wards can be finished and in condition for use in about sixty days. The capacity of the Hospital would then be sufficient for five hundred and thirty patients.

In architectural beauty and utility, the new wing is a decided improvement upon the portions of the Hospital heretofore erected. In its construction only the best of materials have been used; and the mechanical skill employed being of the highest standard, the

appearance and condition of the structure reflects great credit upon the gentlemen having the work in charge. Upward forced ventilation of the most improved plan has been made a feature in this addition to the Hospital; and it is our judgment that the method adopted will fully meet the most sanguine anticipations of the building committee.

The cost of this extension will be \$23,000 less than the architect's estimate therefor.

The Commissioners have managed the financial affairs of the Hospital with the strictest economy. Since the last Legislature the usual, and always onerous, services of the Board have been greatly increased by the needed oversight which the construction of the north wing, and other special improvements, have required at their hands. For these labors, well and faithfully discharged, the gentlemen composing the Board deserve the thanks of your honorable body, as representatives of the people of the State, and justly merit the commendations of every philanthropist.

With Dr. Orpheus Everts, the Superintendent, we were favorably impressed. Although new to the trying position he has assumed, he seems to understand its requirements in all their bearings, is urbane, has commendable executive ability, and is well fitted by professional education and experience, as well as by enlarged philanthropic views and sentiments, for the chief officer of such an institution.

We wish to call your attention to the fact that the center building is now heated by twenty-five open coal-grates, and that, when the eight new wards are occupied, there will be in use upwards of 200 coal oil lamps, for lighting the halls, rooms and corridors of the wards. What an imminent risk of fire there will be while this condition of things is maintained. Only a few short weeks ago, the Insane Asylum at Columbus, Ohio, was destroyed by fire, and several of its helpless inmates were burned to death.

The liability of our Hospital to a similar calamity, as shown by the statement above, is alarmingly threatening, and such destruction would, under our peculiar circumstances involve a more serious loss to this State, than did the burning of the Columbus Asylum to the State of Ohio, since the latter State,

is fortunate in the possession of four other Asylums, among which the patients, thus lately rendered houseless, have been distributed. We, therefore, urge that appropriations be made to heat the centre building with steam, and to erect works for the manufacture of illuminating gas.

For the ensuing two years we recommend that the following appropriations be made :

For current expenses year ending March 31, 1870....	\$100,000 00
For current expenses year ending March 31, 1871....	100,000 00
For repairs year ending March 31, 1870.....	5,000 00
For repairs year ending March 31, 1871.....	5,000 00
For completing north wing.....	30,000 00
For furnishing the new wards in north wing.....	14,000 00
For repairing and keeping furniture in order in new wards.....	6,000 00
For replacing boilers used in heating south wing....	5,000 00
For gas works and gas fitting.....	7,000 00
For heating the centre building with steam.....	3,000 00
For insurance two years.....	3,000 00

The amounts recommended for the annual current expenses, as above, may appear large; we would therefore state that, within a few weeks, the whole of the new north wing will be completed and occupied, and that then there will be constantly resident at the Hospital fully five hundred patients, requiring the services of one hundred officers and employees, making an aggregate of six hundred persons. Now, after paying the officers and employees, there will be left only \$2 00 per week for the subsistence of each individual. Surely, owing to the high prices of groceries and other provisions, this allowance should not be considered excessive.

For further particulars, we refer you to the annual reports of the Board of Commissioners and Superintendent of the Hospital.

INSTITUTION FOR THE DEAF AND DUMB.

Your Committee, first by its Chairman, then in a body, visited the Institution for the Deaf and Dumb, and made an examination of its condition and management. The inspection was highly satisfactory to the members of the Committee. They found noth-

ing to complain of, but much to commend in the neatness and order which was exhibited throughout the establishment.

The Board of Trustees have managed the pecuniary interests of the institution with commendable zeal and integrity, and are entitled to the hearty commendations of the public.

To Mr.-McIntire, who for so many years has held the position of Superintendent, too much praise can not be awarded for his untiring labors in behalf of the Deaf and Dumb, and for the prudence and skill in the executive control of the institution.

The institution is suffering many inconveniences, and some serious evils from the want of sufficient accommodations for the large number of pupils in attendance. This was especially the case in the crowded condition of the sleeping apartments of the pupils, in the want of suitable rooms to allow for the separation of the sick, and in the location and insufficiency of the rooms used for laundry and culinary purposes. The dining room, bakery, kitchen, wash-house, drying room and store rooms are placed in the basement of the main building, and, for so large a family, are obviously too contracted to carry on these operations advantageously, and can not fail to render the apartments above both uncomfortable and detrimental to the health of the occupants. Your Committee were fully impressed with these evils, and unhesitatingly concur in the recommendation of the Board of Trustees, that measures should at once be adopted for their removal. These rooms were not originally intended for, nor are they adapted to, the purposes for which they are used ; nor do they admit of being properly fitted up with the necessary conveniences. The original plan of the Institution contemplated an additional building for these purposes in the rear of the main office. Plans and specifications for this proposed improvement were submitted to the inspection of the members of the Committee. They seemed to be well conceived to remedy the evils complained of, to enlarge the accommodations commensurate with the present and prospective wants of the State, and to render the Institution one complete and harmonious whole, such as is needed for the education of this unfortunate class of her children. Enlarged accommodations ought to be provided as soon as possible, not only for the comfort of the present inmates, but also for the large and increasing number of this class of persons seeking ad-

mission to the Institution, but excluded for the want of room, and who if not instructed without delay, will soon pass beyond the proper age to be benefitted.

The proposed improvement, if carried out, would obviate all the inconveniences complained of, nearly doubling the capacity of the Institution, and thus supplying the wants of the State, in this respect, for many years to come.

The estimated cost of the additional building, completed, is \$42,500. It is recommended that \$30,000 of this sum be appropriated out of the revenue of 1869, and the remainder (\$12,500) in 1870.

Your Committee have agreed upon the following appropriations for the support of the Institution for the Deaf and Dumb, and recommend that the same be made :

For current expenses year ending March 31, 1870,.....	\$40,000
For current expenses, year ending March 31, 1871,.....	40,000
For repairs, year ending March 31, 1870, (viz: for replacing steam boilers and refurnishing),.....	4,000
For repairs, year ending March 31, 1871, (viz: for cooking range and furnishing goods),.....	4,000
For building fund, year ending March 31, 1870, (viz: for erection of new building),.....	30,000
For building fund, year ending March 31, 1871, (viz: for finishing new building),.....	12,500
For insurance two years,	1,000

INSTITUTION FOR THE EDUCATION OF THE BLIND.

Your Committee also report that they have made personal inspection of the buildings, shops and grounds of the establishment, and find them in a satisfactory condition.

The general administration of its affairs is able, efficient and successful. The Superintendent, Mr. W. H. Churchman, devotes his whole time and talent to this important work, and has brought the Indiana Institute fully up to the front rank of similar institutions. The blind are really and truly educated in all the usual branches of learning taught in our best schools; and many of them

have here acquired trades by which they become self supporting and useful members of society.

Your Committee find that the appropriations made by the last Legislature, for repairs, painting the main building, and for the organ and other special objects, have been judiciously expended, and have been confined within the sums appropriated.

The enlargement of the main buildings, as set forth in the Report of the Trustees, is greatly needed now, and will become an imperative necessity very soon. The dormitories and school rooms are too much crowded, and the laundry (designed to be provided for in the additions asked for) is very much needed; nevertheless, your Committee are reluctantly constrained to recommend that the erection of the proposed new buildings be deferred until another Legislature shall assemble.

The hot air furnaces and stoves, now used in warming the building, are deemed both unhealthy and dangerous: and, in view of this fact, your Committee recommend an appropriation to replace them by steam fixtures, similar to those in use in other State Institutions.

Your Committee are of opinion that the north part of the State ground connected with the Institute, now vacant, should not be diverted from the object for which it was purchased, as the future wants of the establishment will require most or all of it.

Your Committee recommend appropriations for the Institute for the Blind, as follows:

For current expenses, year ending March 31, 1870,	\$32,500
For current expenses, year ending March 31, 1871,	32,500
For inside blinds to basement and upper stories of main building,	1,500
For steam heating apparatus for main building,	10,000
For insurance, two years,	1,000

All of which is respectfully submitted.

F. CHURCH, Chairman.

Mr. Hooper, from the Committee on Phraseology, Arrangement and Enrolled Bills, made the following report :

MR. PRESIDENT :

The Committee on Phraseology, Arrangement and Enrolled Bills have carefully examined enrolled Senate bill No. 227, entitled an act to fix the time of holding the Courts of Common Pleas in the counties of Lawrence, Jackson and Bartholomew, and find the same to be neatly and correctly enrolled.

Which was concurred in.

Mr. Rice, from the Committee on Corporations, made the following report :

MR. PRESIDENT :

The Committee on Corporations, to whom was referred Senate bill No. 5, entitled an act to amend the first section of an act to declare abandoned certain unfinished railroads and to prescribe for their completion, to declare forfeited the franchises of certain railroad companies, and for the assessment of the value thereof; for the organization of new companies, and for making annual settlements, approved March 11, 1867, and the failure of any company to have formed the preliminary organization contemplated by the first section of the act entitled an act to provide organization of railroad companies, approved May 4, 1852, shall not invalidate such organization, if otherwise in conformity with the same, have had the same under consideration, and do now report the same back to the Senate with the following amendment :

Strike out the word "two," on the 27th line of section 1, on 2d page, and insert the word "eight," and when so amended, recommend its passage.

Which was concurred.

Mr. Green, from the Committee on Corporations, submitted the following report :

MR. PRESIDENT :

The Committee on Corporations, to whom was referred Senate bill No. 202, entitled an act to authorize railroad companies to sell,

lease, or otherwise dispose of, and to contract for the use of their roads franchises and property, or any part thereof, and authorizing railroad companies to aid other railroad companies in the construction and equipment of their roads, have had the same under consideration, and do now report the same back to the Senate and recommend its passage.

Which report was concurred in.

Mr. Gray, from the Committee on Corporations, made the following report :

MR. PRESIDENT :

The Committee on Corporations, to whom was referred Senate bill No. 129, entitled "An act to amend sections 2 and 4 of an act entitled an act to repeal all general laws now in force for the incorporation of cities, prescribing their powers and rights and the manner in which they shall exercise the same, and to regulate such other matters as properly pertain thereto, approved March 9, 1857, and declaring an emergency, have had the same under consideration, and now report the same back to the Senate and recommend that it lie on the table.

Which report was concurred in.

Mr. Carson, from the Committee on Corporations, made the following report :

MR. PRESIDENT :

The Committee to whom was referred Senate bill No. 203, entitled "An act to amend an act to authorize, regulate and confirm the sale of railroads, to enable purchasers of the same to form corporations, and to exercise corporate powers, and to define their rights, powers and privileges, to enable such corporations to purchase and construct connecting and branch roads, and operate and maintain the same, (approved March 3d, 1855,) and extending the provisions of this act to all other railroad companies, have had the same under consideration, and do now report the same back to the Senate, and recommend its passage.

Which report was concurred in.

Mr. Hooper submitted the following report:

MR. PRESIDENT:

The Committee on Claims, to whom was referred the claims of James Morrison, for legal services of said Morrison and Charles A. Ray, for legal services in defending suit against the Trustees of the Indiana Institute for the Education of the Blind, in the year 1857 beg leave to report that they have had the same under advisement, and direct me to report said claim back to the Senate, and recommend that the same lie on the table.

Which report was concurred in.

Mr. Gray, from the Committee on Corporations, submitted the following report:

MR. PRESIDENT:

The Committee on Corporations, to whom was referred Senate bill No. 168, entitled "An act to authorize turnpike and gravel road companies heretofore or hereafter organized in this State under the laws thereof, to increase the capital stock of their companies, when in any case the capital stock in the original articles of association shall be insufficient to construct and equip the road," have had the same under consideration, and do now report the same back to the Senate, and recommend its passage.

Which report was concurred in.

Mr. Hooper, from the Committee on Temperance, made the following report:

MR. PRESIDENT:

The Committee on Temperance, to whom was referred Senate bill, No. 36, An act prohibiting the retail of intoxicating liquors to be used as a beverage, and repealing all conflicting laws, have had the same under consideration, and have instructed me to report it back to the Senate, with the following amendments:

1. Amend the title by adding the words "and declaring an emergency."
2. Amend section second by striking out the words "barter or give away."
3. Amend section third by striking out the word "ten" where it occurs and inserting "five."

And when so amended the Committee recommend that it do pass.

Which report was concurred in.

Mr. Hooper, from the Committee on Corporations, made the following report :

MR. PRESIDENT :

The Committee on Corporations, to whom was referred Senate bill, No. 250, entitled An act to amend an act entitled an act concerning the organization of Voluntary Associations, and repealing former laws in reference thereto, approved February 12th, 1855, by adding thereto four sections, have had the same under consideration, and do now report the same back to the Senate, and recommend that it lie on the table.

Which report was concurred in.

Mr. Rice, from the Committee on corporations, made the following report :

MR. PRESIDENT :

The Committee on Corporations, to whom was referred House bill No. 34, "A bill to enable incorporated towns to lay out, open grade and improve streets and alleys, and make public improvements therein, and to make surveys, and adopt plats where the same has been lost or destroyed, and prescribing the duties of the Boards of Trustees, and providing for the mode of working and improving streets and alleys, and declaring an emergency," report that they have had the same under consideration, and direct me to return the same back to the Senate, with the recommendation that said bill pass.

Which report was concurred in.

Mr. Hooper, from the Committee on Corporations, made the following report :

MR. PRESIDENT :

The Committee on Corporations, to whom was referred Senate bill No. 230, entitled "An act to revise and amend section 6 of the Plank, Macadamized and Gravel Road Law of 1852," have had

the same under consideration, and do now report the same back to the Senate, and recommend the passage of the bill.

Which report was concurred in.

BILLS INTRODUCED.

Mr. Gray introduced

Senate bill No. 269, An act to amend the title of an act to amend section 5 of an act entitled "An act regulating the fees of officers, and repealing former acts in relation thereto, approved March 2d 1855," approved March 3d, 1865.

Was read a first time, and referred to the Committee on Fees and Salaries.

Mr. Green introduced

Senate bill No. 270, "An act to provide for the payment of certain claims for ditching swamp lands, out of the General Swamp Land Fund."

Which was read a first time, and referred to the Committee on Swamp Lands.

Mr. Bradley introduced

Senate bill No. 271, "An act to prevent drunkenness."

Which was read a first time, and referred to the Committee on Temperance.

Mr. Bellamy moved that 200 copies of Senate bill No. 244 be printed.

Which was agreed to.

SENATE BILLS ON SECOND READING.

Mr. Gray moved to take Senate bill No. 85 from the table, and that it be read a second time.

Which was agreed to, and Senate bill No. 85, An act to amend the 60th section of an act entitled An act to repeal all general laws in force for the incorporation of cities, and to provide for the incorporation of cities, prescribing their powers and rights, and the manner in which they shall exercise the same, and to regulate such other matters as properly pertain thereto, approved March 14th, 1867.

Was read a second time by its title, and the amendments reported by the Committee on Corporations were adopted.

The bill was then ordered to be engrossed for a third reading on to-morrow.

Senate bill No. 147. A bill creating the Ninth and Twelfth Judicial Circuits, and providing for the times of holding courts therein.

Was read a second time, ordered to be engrossed and passed to a third reading on to-morrow.

Mr. Green asked and obtained leave of absence for Mr. Andrews until Monday next.

Senate bill No. 148. An act to legalize the acknowledgment of all deeds, mortgages, and other instruments required to be recorded, taken, and certified by Notary Public who took and certified such acknowledgments after the expiration of their commissions.

Was read a second time, the amendments recommended by the committee adopted, ordered to be engrossed and passed to a third reading on to-morrow.

Senate bill No. 149. An act to amend the 17th section of an act regulating the fees of officers, and repealing all former acts relating thereto, approved March 2, 1865.

Was read a second time, and the amendments reported by the Committee on Rights and Privileges of the Inhabitants of the State were adopted.

The bill was then ordered to be engrossed for a third reading on to-morrow.

Senate bill No. 151. A bill to enable cities to aid in the construction of railroads and water power.

Was read a second time, the amendments reported by the committee adopted, ordered to be engrossed and passed to a third reading on to-morrow.

Senate bill No. 159. An act to revise and codify the laws of the State.

Was read a second time, and the amendments reported by the Committee on the Judiciary were adopted. The bill was ordered to be engrossed and passed to a third reading on to-morrow.

Senate bill No. 53. An act to authorize Co-operation Societies for the purchase or erection of dwellings or other buildings.

Was read a second time, amendments reported by the committee adopted, ordered to be engrossed and passed to a third reading on to-morrow.

Senate bill No. 122. An act supplemental to An act to authorize cities and towns, to regulate and sell bonds to procure means with which to erect and complete unfinished school buildings, and pay debts contracted for erections of such buildings, and authorize the levy and collection of an additional special school tax, for the payment of principal and interest of such bonds, approved March 11th, 1867.

Was read a second time, ordered to be engrossed and passed to a third reading on to-morrow.

Senate bill No. 164. An act to authorize the amendment of bills of exceptions in certain cases therein mentioned.

Was read a second time and, on motion, was laid upon the table.

Senate bill No. 238. An act to amend section 200 of chapter 1 of an act entitled "An act to revise, simplify and abridge the rules, practice, pleadings, and forms in civil cases in the courts of this State, to abolish distinct forms of actions at law, and to provide for the administration of justice in a uniform mode of pleading and practice without distinction between law and equity," approved June 18, 1852, and declaring an emergency.

Was read a second time, ordered to be engrossed, and passed to a third reading on to-morrow.

Senate bill No. 191. An act enabling cities or towns to build, improve and keep in repair roads leading to cemeteries owned or used by the inhabitants of cities or towns, or owned by a city or town, and defining the duties of certain officers.

Was read a second time, and the amendments reported by the Committee on Corporations were adopted.

The bill was then ordered to be engrossed and passed to a third reading on to-morrow.

Senate bill No. 102. An act to amend the fifth division of section 324 of the 2d volume of the Revised Statutes of 1852, chapter 1st, of "An act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State, to abolish distinct forms of actions at law, and to provide for the administration of justice in a uniform mode of pleading and practice without distinction between law and equity."

Was read a second time, and the amendments reported by the Committee on the Judiciary were adopted.

The bill was then ordered to be engrossed and passed to a third reading on to-morrow.

Senate bill No. 118. A bill to amend the 16th section of an act entitled "An act to provide for contesting the election to any State, District, Circuit, County, or Township office," approved May 4, 1852, to provide relief in cases of contests erroneously commenced by reason of the misprint of said 16th section, and to provide for taking depositions in all contests for Circuit and District offices.

Was read a second time, ordered to be engrossed, and passed to a third reading on to-morrow.

Senate bill No. 162. An act to provide for the service of process upon railroad companies.

Was read a second time, ordered to be engrossed, and passed to a third reading on to-morrow.

Senate bill No. 167. An act to amend section 4 of an act entitled "An act for the incorporation of Manufacturing and Mining Companies, and Companies for Mechanical and Chemical building purposes," approved May 20, 1852.

Was read a second time, ordered to be engrossed, and passed to a third reading on to-morrow.

Senate bill No. 193. An act to change the corporate name of the Widows' and Orphans' Home of Indianapolis.

Was read a second time, ordered to be engrossed, and passed to a third reading on to-morrow.

Senate bill No. 184. A bill to amend the 19th section of an act approved June 10th, 1852, entitled an act defining felonies and prescribing punishment therefor.

Was read a second time, ordered to be engrossed, and passed to a third reading on to-morrow.

Senate bill No. 226. A bill to amend an act entitled an act to provide for the protection of fish, defining the time in which they may be netted, trapped or seined, affixing a penalty for the violation of this act, and declaring an emergency, approved March 9, 1867.

Was read a second time.

Mr. Robinson, of Decatur, offered the following amendment :

Amend by adding to section two, after the word "St. Joseph," the word "Big Flatrock."

Mr. Rice moved to amend by inserting at the proper place, after the word "St. Joseph," the words "Wabash River," "Big Raccoon," "Little Raccoon," "Sugar Creek," and "Coal Creek."

Mr. Bellamy moved to lay the bill and amendments on the table. Which was agreed to.

Senate bill No. 199. An act to amend sections one and three of an act entitled "an act to repeal all general laws now in force for the incorporation of cities, and to provide for the incorporation of cities, prescribing their powers and rights and the manner in which they shall exercise the same, and to regulate such other matters as properly pertain thereto," approved March 14, 1867.

Was read a second time, ordered to be engrossed, and passed to a third reading on to-morrow.

Mr. Church asked and obtained leave of absence for Mr. Rice until Tuesday morning next.

Mr. Kinley asked and obtained leave of absence for the Committee on Prisons.

Senate bill No. 201. A bill to revise and amend an act entitled an act to amend section 5 of an act entitled an act providing for the organization of Circuit Courts, the election of Judges thereof, and defining their powers and duties, approved June 1, 1852, and

providing for criminal and civil Circuit Courts, approved December 20th, 1865, approved March 8th, 1867.

Was read a second time, ordered to be engrossed, and passed to a third reading on to-morrow.

Senate bill No. 175. An act defining who shall be competent witnesses in any court or judicial proceeding in this State, and to repeal all laws in conflict with the provisions of this act.

Was read a second time, and amendments reported by Committee on Judiciary adopted.

The bill was then ordered to be engrossed, and passed to a third reading on to-morrow.

Senate bill No. 205. An act to revise and amend the seventh section of an act entitled "An act to repeal all general laws now in force for the incorporation of cities, and to provide for the incorporation of cities, prescribing their powers and rights, and the manner in which they shall exercise the same to regulate such other matters as properly pertain thereto, approved March 14th, 1867.

Was read a second time, ordered to be engrossed, and passed to a third reading on to-morrow.

Senate bill No. 216 A bill making appropriation for publishing the reports of the State Board of Agriculture.

Was read a second time, ordered to be engrossed, and passed to a third reading on to-morrow.

Senate bill No. 223 A bill appropriating the sum of fifteen thousand dollars (\$15,000) for the completion of the building now occupied by the officers of State and the Supreme Court and belonging to the State, and for paving the sidewalks fronting and around the same.

Was read a second time, ordered to be engrossed, and passed to a third reading on to-morrow.

Senate bill No. 172. A bill to exempt burial grounds from liens or sale on execution or other process.

Was read a second time, ordered to be engrossed, and passed to a third reading on to-morrow.

Senate bill No. 177. An act to prohibit Clerks and Deputy Clerks of the Circuit Courts and Courts of Common Pleas of this State from taking and certifying the declaration of intention of any alien to become a citizen of the United States of America at any other place than their respective offices or their respective Court Houses, and providing punishment for the violation of any of the provisions of this act.

Was read a second time, ordered to be engrossed, and passed to a third reading on to-morrow.

Senate bill No. 220. A bill authorizing parties losing money or valuable property on gaming or betting to sue for and recover the same of parties winning such money or valuable property.

Was read a second time, the amendments reported by the Committee adopted, ordered to be engrossed, and passed to a third reading on to-morrow.

Senate bill No. 225. A bill changing the name of the State Board of Agriculture.

Was read a second time, ordered to be engrossed, and passed to a third reading on to-morrow.

Senate bill No. 78. An act to repeal section eighteen of an act entitled "An act regulating descents and apportionment of estates."

Was read a second time, and the amendments reported by the Committee were adopted.

On motion of Mr. Bradley, the bill was re-committed to the Committee on the Rights and Privileges of the Inhabitants of the State.

Senate bill No. 166. An act providing for the establishment of election precincts, and prescribing the duties of County Commissioners in relation thereto.

Was read a second time, ordered to be engrossed and passed to a third reading on to-morrow.

Senate bill No. 181. An act to amend section 343 of an act entitled an act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases, in the courts of this State; to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and prac-

tice without distinction between law and equity, and to declare an emergency.

Was read a second time, ordered to be engrossed, and passed to a third reading on to-morrow.

Senate bill No. 187. An act to revise and amend an act entitled an act in relation to the taxation of lands in towns and cities, approved June 18, 1852.

Was read a second time, ordered to be engrossed, and passed to a third reading on to-morrow.

Senate bill No. 194. An act to make an appropriation for the payment to the Sinking Fund of money advanced to pay the expense of the erection of the building for the use of the Supreme Court and the officers of State.

Was read a second time, ordered to be engrossed, and passed to a third reading on to-morrow.

Senate bill No. 210. An act to legalize the tax assessment for the year 1868, in certain incorporated cities.

Was read a second time, ordered to be engrossed, and passed to a third reading on to-morrow.

Senate bill No. 219. An act to amend section 3 of an amendatory act for the regulation of weights and measures, approved June 9, 1852, and declaring an emergency.

Was read a second time, and,

On motion of Mr. Scott, was laid upon the table.

Senate bill No. 224. An act legalizing the use of a seal purporting to be the seal of the Adjutant General's office, and providing for an official seal for said office.

Was read a second time, ordered to be engrossed, and passed to a third reading on to-morrow.

Senate bill No. 30. An act supplemental to an act to authorize the formation of companies for the construction of waterworks in and for incorporated cities, and to enable such cities to subscribe

stock in such companies, and to issue and sell bonds for the payment thereof, approved March 9, 1865.

Was read a second time, ordered to be engrossed, and passed to a third reading on to-morrow.

Senate bill No. 251. An act to amend section one of an act entitled "An act to authorize township trustees, trustees of incorporated towns, and the common council of cities, to levy a tax for school purposes, approved March 9, 1869, adding a section and declaring an emergency.

Was read a second time, and the amendments reported by the Committee on Education were adopted.

The bill was then ordered to be engrossed, and passed to a third reading on to-morrow.

By unanimous consent of the Senate, Mr. Montgomery introduced

Senate bill No. 272, "An act to incorporate the Indiana Homestead Company, and to authorize the persons therein named to organize a company for the purpose of transacting business generally in reference to the purchase and sale of real estate, the construction of store and dwelling houses, and such other business as the Board of Directors may think proper."

Which was read a first time, and referred to the Committee on Corporations.

By unanimous consent of the Senate, Mr. Caven introduced.

Senate Bill No. 273, "An act to authorize the issuing of arms and equipments to regularly incorporated military companies."

Which was read a first time, and referred to the Committee on Military Affairs.

Senate bill No. 234. "An act to legalize and declare valid the acknowledgement of certain deeds of conveyance, and other instruments in writing which have been recorded in any of the Recorder's offices of the several counties of this State, and which by reason of certain informalities in the certificates of acknowledgement, or the authentication thereof, were not entitled to record."

Was read a second time, ordered to be engrossed, and passed to a third reading on to-morrow.

Senate bill No. 210. "A bill to define certain offences therein mentioned, and to prescribe punishment thereof, and to suppress the usurpation of the functions of the judiciary in the punishment of real or pretended offenses."

Mr. Scott moved to fill blank with \$10,00.

Which was agreed to.

Was read a second time, ordered to be engrossed, and passed to a third reading on to-morrow.

Senate bill No. 239. "An act authorizing the classification of the Board of Directors of railroad companies."

Was read a second time, ordered to be engrossed, and passed to a third reading on to-morrow.

Senate bill No. 89. "A bill to amend an act entitled an act to enable the owners of wet lands to drain, and reclaim them where the same cannot be done without effecting the lands of others, and prescribing the powers and duties of County Boards and County Auditors in the premises, and repealing all laws inconsistent therewith," approved March 11th, 1867.

Was read a second time, and the amendments reported by the Committee concurred in, which was ordered engrossed, and passed to a third reading on to-morrow.

Senate bill No. 218. "An act for the better regulation of traffic on railroads, and to facilitate trade and intercourse thereon."

Was read a second time, ordered to be engrossed, and passed to a third reading on to-morrow.

Senate bill No. 161. "An act to provide for the organization of Saving Banks, and the safe and proper management of their affairs."

Was read a second time, ordered to be engrossed, and passed to a third reading on to-morrow.

Senate bill No. 134. A bill to authorize and encourage the construction of levies, dykes and drains, and the reclamation of wet

and overflowed lands by incorporated associations, and to repeal all former laws relating to the same subject.

Was read a second time, ordered to be engrossed, and passed to a third reading on to-morrow.

On motion of Mr. Humphreys, the Senate adjourned.

MONDAY AFTERNOON, 2 o'clock, }
February 22, 1869. }

The Senate met.

The Journal of Saturday was partially read, when,

On motion of Mr. Hamilton, the further reading thereof was dispensed with.

PETITIONS, MEMORIALS AND REMONSTRANCES.

Mr. Bellamy presented a petition from sundry citizens of Ripley County, State of Indiana, asking relief for Nicholas Moreback, by passing a law remitting and releasing certain judgments against him and his sureties.

Which was referred to the Committee on Claims.

Mr. Stein presented a petition from sundry citizens of Tippecanoe County, asking for the establishment of a Homeopathic Department in the proposed Medical College at Indianapolis.

Which was referred to the Special Committee upon Medical Legislation.

REPORTS FROM STANDING COMMITTEES.

Mr. Case, from the Committee on County and Township Business, made the following report :

MR. PRESIDENT :

The Committee on County and Township Business, to whom was referred Senate bill No. 185, an act to amend section 49 of an act regulating general elections, and prescribing the duties of officers in relation thereto, introduced by Senator Denbo, having had the same under consideration, have instructed me to report the same back to the Senate, and recommend its passage.

Which report was concurred in.

Mr. Bellamy, from the Committee on Education, submitted the following report :

MR. PRESIDENT :

The Committee on Education, to whom was referred Senate bill No. 126, to repeal an act amending section 35 of the School Law, have had the same under consideration, and have instructed me to report the same back to the Senate, with the recommendation that it lie on the table, for the reason that its provisions are incorporated in Senate bill No. 244.

Which report was concurred in.

BILLS INTRODUCED.

Mr. Hamilton introduced

Senate bill, No. 274. "An act regulating the fees of county clerks in relation to estates and guardianship, repealing former acts in relation thereto, and declaring an emergency."

Which was read a first time and referred to the Special Committee on Fees and Salaries.

Mr. Rice introduced

Senate bill, No. 275. An act to amend an act entitled "An act for the incorporation of Insurance Companies, defining their powers and prescribing their duties, approved June 17th, 1852.

Which was read a first time and referred to the Committee on Corporations.

Mr. Church introduced

Senate bill, No. 276. "An act for the relief of the heirs of Patrick Donovan, deceased."

Which was read a first time and referred to a special committee of three, consisting of Messrs. Church, Bradley and Reynolds.

ORDERS OF THE DAY.

Message from the House by Mr. Merwin, Clerk thereof.

MR. PRESIDENT :

I am directed by the Speaker of the House of Representatives to inform the Senate that he has signed the following enrolled act of the Senate, to-wit:

Enrolled act, No. 133. An act to amend sections one and three of an act entitled "An act to provide for the re-location of county seats, and for the erection of public buildings in counties, in case of such re-location," approved March 2d, 1855, and to amend section one of an act amendatory of said act, approved December 18th, 1865, and to provide for the appointment of Commissioners.

The resolution introduced on Saturday, with reference to night sessions, by Mr. Robinson of Decatur, coming up, Mr. Stein moved to amend by substituting seven and a half for seven o'clock, and to further amend by striking out all that brings existing special orders within the purview of the resolution.

Mr. Humphreys moved to lay the resolution and pending amendments on the table.

Which was agreed to.

Mr. Stein moved that the regular order of business be suspended, and Senate bill No. 215, with amendments, be taken from the table, and the same referred to the Committee on the Judiciary.

Which was agreed to.

Mr. Bradley moved to take up Engrossed Senate bill No. 5. An act to amend the first section of "An act to declare abandoned certain unfinished railroads, and to prescribe for their completion, to declare forfeited the franchises of certain railroad companies, and for the assessment of the values thereof, for the organization of new railroad companies, and for making annual settlements, approved March 11, 1867, and the failure of any company to have formed the preliminary organization contemplated by the first section of the act entitled an act to provide for the organization of railroad companies, approved May 4th, 1852, shall not invalidate such organization, if otherwise in conformity with the same.

Which was agreed to, and was read a third time.

The question being, Shall the bill pass?

Those who voted in the affirmative were,

Messrs. Bellamy, Bird, Bradley, Case, Caven, Church, Cravens, Denbo, Fisher, Green, Hadley, Hamilton, Hanna, Henderson, Hooper, Howk, Huffman, Humphreys, Jaquess, Johnson of Spens. J.—32

cer, Johnson of Montgomery, Lee, Morgan, Rice, Reynolds, Robinson of Madison, Robinson of Decatur, Scott, Stein, and Wolcott—31.

Those who voted in the negative were,

Messrs. Huey, Hughes, Montgomery, Smith, and Turner—5.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

BILLS ON SECOND READING.

Senate bill No. 100.* An act to amend the sixth section of An act for the relief of the Indiana University, and to increase and extend its benefits by providing for the sale of the lands granted by the United States for the use of the said University, regulating the application of the proceeds of the sales thereof, and prescribing the duties of the officers therein mentioned in relation thereto, approved March 2d, 1859.

Which was read a second time, the amendments concurred in, and ordered to be engrossed and passed to a third reading on to-morrow.

Senate bill No. 107. An act to amend sections two and three of an act entitled An act for the incorporation of county libraries.

Was read a second time, ordered engrossed and passed to a third reading on to-morrow.

Senate bill No. 253. A bill to enable the several Criminal Circuit Courts of this State to try and determine suits upon forfeited recognizances, defining the duties of Prosecuting Attorneys in the premises.

Was read a second time, and the amendments proposed by the Committee concurred in, was ordered engrossed and passed to a third reading on to-morrow.

Senate bill No. 255. An act to save pending suits affected by passage of act of 1865, to repeal sections 43 and 44 of will law of 1852.

Was read a second time.

Mr. Stein moved to indefinitely postpone the bill.

Which was not agreed to.

The bill was then ordered to be engrossed and passed to a third reading on to-morrow.

Senate bill No. 174. An act to provide for the measurement of ear corn and hay in bulk.

Was read a second time, and, on motion of Mr. Robinson, of Decatur, the bill was indefinitely postponed.

Senate bill No. 249. An act to provide for the construction and maintenance of fish ladders.

Was read a second time, and, on motion of Mr. Wolcott, was recommitted to the Committee on Rights and Privileges of the Inhabitants of the State, for the purpose of filling up blanks.

Senate bill No. 189. An act to amend section eighteen of an act entitled An act to provide for the registry of voters, and to declare their residence, and to punish fraudulent practices touching elections, and defining the duties of certain officers therein named, and the form of the ballots, and providing compensation for the services of such officers.

Was read a second time, ordered to be engrossed and passed to a third reading on to-morrow.

Senate bill No. 130. An act to revise and amend section 6 of the plank, macadamized, and gravel road law of 1852.

Was read a second time.

Mr. Green moved to lay the bill upon the table.

Which was agreed to.

Senate bill No. 108. An act to amend Section five of an act entitled "An act to provide for the registry of voters and to declare their residence, and to punish fraudulent practices touching elections, and defining the duties of certain officers therein named and the form of the ballots, and providing compensation for the services of such officers."—Approved March 11, 1867.

Was read a second time, ordered to be engrossed and passed to a third reading on to-morrow.

Senate bill No. 230. An act to amend Section four of an act approved February, 1865, entitled an act appointing Commissioners

to sell certain real estate therein named, to provide a residence for the Governor of the State, and to make him an allowance in lieu thereof until the same is provided, and matters properly connected therewith.

Was read a second time.

Mr. Fisher moved that the bill lie on the table.

Which was agreed to.

Mr. Hughes moved to reconsider the vote by which the bill was laid on the table, and moved to lay that motion on the table.

Which was agreed to.

Senate bill No. 168. "An act to authorize turnpike and gravel road Companies heretofore or hereafter organized in this State, under the laws thereof, to increase the capital stock of their companies when, in any case, the capital stock in the original articles of association shall be insufficient to construct and equip the road."

Was read a second time.

Mr. Fisher moved to re-commit the bill to the Committee on Corporations, with instructions to so amend that the capital stock shall only be increased by a majority of the stockholders in the Company.

Which was agreed to.

Senate bill No. 202. A bill to authorize Railroad Companies to sell, lease, or otherwise dispose of, and to contract for the use of their roads, franchises and property or any part thereof, and authorizing Railroad Companies to aid other Railroad Companies in the construction and equipment of their roads.

Was read a second time.

Mr. Hughes offered the following amendment :

Provided, That no such lease or transfer shall be valid without the express assent of the Governor of the State in writing, on each case, and that the Governor is forbidden to give such assent until all unliquidated claims, dividends and accounts, in which the State, or any of the trust funds thereof is interested,—

Which amendment was adopted.

Ordered To be engrossed, and passed to a third reading on to-morrow.

Senate bill No. 203. An act to amend an act to authorize, regulate and confirm the sale of railroads, to enable purchasers of the same to form corporations, and to define their rights, powers and privileges, to enable such corporations to purchase and construct connecting and branch roads, and to operate and maintain the same, approved March 3d, 1865; and extending the provisions of said act to all other railroad companies.

Was read a second time, ordered to be engrossed and passed to a third reading on to-morrow.

Message from the House, by Mr. Merwin, Clerk thereof.

MR. PRESIDENT:

I am directed by the Speaker of the House of Representatives, to inform the Senate, that the Speaker has signed Senate Enrolled act No. 227; an act to fix the time of holding courts of Common Pleas in the counties of Jennings, Lawrence, Jackson and Bartholomew, repealing all laws inconsistent therewith, and declaring an emergency, and the same is herewith returned to the Senate.

Message from the House, by Mr. Merwin, Clerk thereof:

MR. PRESIDENT:

I am directed by the House of Representatives, to inform the Senate, that the House has passed the following resolution of the Senate, to-wit:

Resolved, By the Senate of the State of Indiana, the House of Representatives concurring, that in honor of the birthday of Washington, the Adjutant General be, and he is hereby directed to cause a National Salute of thirty-six guns to be fired in front of the State House, at 12 o'clock, on the next ensuing 22d day of February.

To which the House has attached following amendments:

1st. Strike out the word "thirty-six" where it occurs in said resolution, and insert in lieu thereof the word "thirty-seven."

Strike out the words "12 o'clock," and insert in lieu thereof the words "6 o'clock."

Strike out the words "next ensuing 22d day of February, and insert the words "to-day."

In which the concurrence of the Senate is respectfully requested.

Mr. Johnson of Montgomery, moved to take up the message.

Which was agreed to.

Mr. Johnson of Montgomery, moved to concur in the amendments.

Which was agreed to.

On motion of Mr. Sherrod, the Senate adjourned.

TUESDAY MORNING, 9 o'clock, }
February 23, 1869. }

The Senate met.

The Journal of yesterday was read.

PETITIONS, MEMORIALS AND REMONSTRANCES.

Mr. Fisher presented a memorial from sundry citizens of the State of Indiana, asking for a Homœopathic Department in the proposed Medical College at Indianapolis.

Which was referred to the Committee on Medical Legislation.

Mr. Reynolds presented a petition from sundry citizens of the State of Indiana, asking for a Homœopathic Department in the proposed Medical College at Indianapolis.

Which was referred to the Committee on Medical Legislation.

Mr. Morgan presented resolutions of citizens and tax payers of Vanderburg county, asking Legislation to make certain and fixed salaries for County Officers.

Which was referred to Committee on Fees and Salaries.

Mr. Lee presented a memorial from citizens of Shelbyville, asking for a Homœopathic Department in the proposed Medical College at Indianapolis.

Which was referred to the Committee on Medical Legislation.

Mr. Kinley presented petitions from sundry citizens of Wayne county, asking the enacting of a law prohibiting the traffic of intoxicating liquors as a beverage.

Which was referred to the Committee on Temperance.

Mr. Caven presented a portion of the record from the Commissioners of Marion county, proposing to donate to the State of Indiana, the sum of one hundred thousand dollars in consideration of the location of the Indiana Agricultural College, at or near the City of Indianapolis.

Which was referred to the Joint Committee on Education and Agriculture.

Mr. Kinley presented a petition from sundry citizens of the State of Indiana, asking that a Homœopathic Department be established in the proposed Medical College.

Which was referred to the Committee on Medical Jurisprudence.

REPORTS FROM STANDING COMMITTEES.

Mr. Denbo submitted the following report :

MR. PRESIDENT :

The Committee on Claims, to whom was referred the claim of the Columbus and Indianapolis Central Railway for sixteen dollars and thirteen cents (16,13), have had the same under consideration and have instructed me to return the same to the Senate, with instructions to the Committee on Finance, that said Committee incorporate said sum in the Specific Appropriation Bill, to-wit : \$16,13.

Which report was concurred in.

Mr. Caven, from the Committee on Manufactures, made the following report :

MR. PRESIDENT :

The Committee on Manufactures, to whom was referred the memorial of certain employees of the "Indiana Cotton Mill," at Cannelton, praying for a modification of the law of 1867, prohibiting the employment of persons under the age of sixteen years in cotton and woolen factories, together with the remonstrance of C. H. Mason, against a change in said laws, have given the matter submitted to them a careful consideration, and have come to the conclusion that the law in question may be modified to the mutual advantage of mill owners and the class of persons the law is intended to protect.

It appears from our investigations that adults cannot work in these factories after the children therein employed stop their work, as all branches of the business depend on each other and must go on simultaneously, consequently the law which prohibits the latter

from being employed more than ten hours per day is equally operative on adult workmen, and prevents them from earning such wages as they could and would be glad to earn if not prohibited by law from doing so.

We find, also, that the work at which persons under the prescribed age are employed in cotton factories is light in its character, more so than farm work and that of many other mechanical trades on which the law lays no restrictions, and there seems to be no good reason why the Legislature should continue discriminating laws against manufacturers of cotton and woolen fabrics and against persons employed in such manufactures, while imposing no limit on the hours of labor in other and more exhausting occupations. The committee, however, do not propose a repeal of the act of 1867 on this subject, but inasmuch as in the surrounding States which come more directly in competition with the branches of cotton manufacture carried on in Indiana, the mills are run on an average of eleven hours per day, and that our manufacturers cannot successfully compete with rivals who can employ their machinery ten per cent. more of time than they, and that operatives in this State must necessarily content themselves with less wages than manufacturers in States without labor-limitation laws. Your committee are of the opinion that the law of this State may be wisely modified so as to permit the employment of hands in cotton and woolen factories for eleven hours per day, subject to the conditions hereinafter stated.

In connection with this proposed permissive extension of the hours of labor, we think a sound public policy demands that some legislation should be had to instruct children employed in factories in the elements, at least, of education.

In the remonstrance referred to us, complaint is made that minors are worked the year round without any opportunity of going to school, and that they are consequently growing up in ignorance. This evil, if it exists, your committee propose to remedy, by prohibiting the employment of minors under sixteen years of age in cotton or woolen mills more than nine months in twelve; and for any period of time, unless they shall have attended school for three months during the year preceding their employment.

We believe it will be better to permit children who work in these factories to labor eleven hours per day for nine months of the year, and spend three months at school, than to labor ten hours per day,

six days in every week of the year, and be debarred from the privilege of obtaining even a common school education.

This will also benefit mill owners by giving them the power to lawfully use their machinery an hour longer per day, and will enable them to give employment to a larger number of minors in order to fill up the vacancies of those who from time to time are withdrawn from the factory to the school house.

To accomplish these objects a majority of the committee have agreed upon and instructed me to report the following bill for the consideration of the Senate :

Senate bill No. 277. An act regulating the employment of persons under sixteen years of age in cotton and woollen factories of this State, and providing for the education of such persons.

Which report was concurred in, and the bill was read a first time and passed to a second reading on to-morrow.

Mr. Bradley submitted the following report :

The Committee on Claims, to whom was referred the claim of Martin Igoe, which is herewith returned, have had the same under consideration, and have directed me report the same back to the Senate with the recommendation that it lie on the table.

Which report was concurred in.

Mr. Rice, from the Judiciary Committee, submitted the following report :

MR. PRESIDENT :

The Judiciary Committee, to whom was referred Senate bill No. 40, introduced by Senator Hawk, entitled an act to repeal the 44th and 82d sections and to amend the 81st and 103d sections of an act entitled "An act to revise, simplify and abridge the rules, practice, pleadings and forms in criminal actions in the courts of this State," approved June 17, 1852, and to regulate the practice as to continuances and changes of venue in criminal actions in the courts of this State, report that they have had the same under consideration, and respectfully recommend the passage of said bill.

Which report was concurred in.

Mr. Hughes, from the Committee on Expenditures, made the following report :

MR. PRESIDENT :

The Committee on Expenditures, to whom was referred Senate bill No. 97, introduced by Senator Bellamy, entitled "A bill making an appropriation of four hundred and thirteen thousand five hundred and ninety-nine dollars and forty-eight cents, (\$413,599.48,) to pay the claims of sufferers by the Morgan Raid," have had the same under consideration, and submit the following report :

That while the Committee have not taken upon themselves the labor of examining in detail the several awards and decisions of the Morgan Raid Commissioners, yet they have satisfied themselves of the general fairness and accuracy of their findings and decisions by consultation with General Thomas M. Browne, who was the attorney of the State in said investigations. Beside this, the high character of the Commissioners for capacity and integrity, together with the complete and careful manner in which their records have been made up by their skillful and excellent clerk, Mr. William F. Browning, give a strong guarantee of the correctness and fairness of all their proceedings.

By reference to the report of said Commissioners, it will appear that the total amount of claims allowed by them was \$413,599.48.

This sum was composed of the following amounts, arranged in the following classes :

CLASS ONE.

Claims for property taken, destroyed, or injured by the Union forces, under the command of United States officers.....	\$58,017 51
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CLASS TWO.

Claims for property taken, destroyed, or injured by the Union forces under State officers.. ..	\$24,268 80
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CLASS THREE.

Property taken, injured, or destroyed by rebels.....	\$331,278 17
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CLASS FOUR.

Property taken, destroyed, or injured, where the claimant is unable to identify by whom the loss occurred... \$35 00

[See Senate Journal of 1867, p. 370. Also Report of Morgan Raid Commissioners, p. 5.]

Assuming that all the awards and findings of the Commissioners are correct and supported by evidence, both as to the losses alleged and of the loyalty of the claimants, the question arises, is the State bound to pay these claims?

We do not understand that the Legislature has committed the State upon this question. We are of the opinion that while classes 1 and 2 constitute valid claims against the United States, if proven due from under the laws thereof, they do not constitute a legal demand against the State of Indiana. Classes 3 and 4, in the opinion of the Committee, are not due of right under the Constitution and the laws, either the municipal laws or the laws of war, either from the State or the National Government.

The merit of these claims consists in their equity, and the obligation to pay them, if any exists, arises from the failure to provide prompt and adequate protection to its citizens against the sudden irruption of an armed force of public enemies, and for the patriotic conduct of the citizens who sustained these losses in flocking to the standard of their country in its defense, to the neglect of their own property and private interests, it would be conceded that these claims appeal strongly to the equity and the clemency of the State.

The Committee are advised that the State of Ohio paid off similar claims to a large amount, and that the United States reimbursed the same, and a strong and well-founded hope and expectation is built thereon, that the General Government will adopt a like liberal and just policy toward the State of Indiana should she pay these claims.

The Committee, while they look upon these claims with great favor, not being able to find them supported by any legal obligation against the State, nor having any certain guarantee of re-payment by the United States, are unwilling to assume the responsibility of recommending their payment as a matter of right; but commending them to the favorable consideration of the Senate, upon the grounds above

mentioned, beg leave to refer the whole matter to the sound judgment and discretion of the body upon the foregoing statements of facts, and herewith return the bill without any further recommendation, and ask to be discharged from any further consideration of the subject.

Which report was concurred in.

Mr. Ballamy moved that two hundred copies of the report be printed.

Which was agreed to.

Mr. Johnson, of Montgomery, submitted the following report:

MR. PRESIDENT:

The Committee on Claims, to whom was referred the claim of the Toledo, Logansport & Burlington Railway Company, of \$12.61, have had the same under consideration, and have directed me to report it back and recommend that it be allowed, and that it be referred to the Committee on Finance, and the amount be placed in the Specific Appropriation Bill.

Which report was concurred in.

Mr. Bellamy, from the Committee on Education, made the following report:

MR. PRESIDENT:

The Committee on Education, to whom was referred Senate bill No. 241, to amend an act for the incorporation of the University of Notre Dame Du Lac, have had the same under consideration, and instructed me to return it with the following amendments:

Strike out the word "there," in the 9th line of section one, and insert the word "one." Add to the section the following:

"Provided, nothing herein contained shall be construed to exempt more than 320 acres of such real estate and improvements thereon from taxation."

And when so amended, recommend its passage.

It is the opinion of your committee, that the bill, if passed, would be unconstitutional and inoperative, for the reason that it fails to set out in full the amended section of the above act.

Which report was concurred in.

Message from the House by Mr. Merwin, Clerk thereof.

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the House has passed the following Joint Resolutions of the Senate, to-wit :

Senate Joint Resolution No. 7. A Joint Resolution requesting our Representatives and instructing our Senators in Congress to use their influence and votes for the repeal of the Tenure-of-Office Law.

Senate Joint Resolution No. 12. A Joint Resolution instructing our Senators and requesting our Representatives in Congress to secure the passage of an act for the adjustment of the claims due Mary Burress, a resident of Martin County, State of Indiana, widow of Charles Burress, deceased, late private of Company B, 80th Regiment Indiana Volunteer Infantry.

Also, that the House has passed, with the accompanying engrossed amendments of the House thereto attached, the following Senate bill, to-wit :

Senate bill No. 94. A bill touching the consolidation of railroads, and declaring the effect of such consolidation.

Mr. Jaquess submitted the following report :

MR. PRESIDENT :

The Committee on Claims, to whom was referred the claim of Dennis Sullivan & Co., for ten dollars for hack hire, for the accommodation of the Committee on Governor's Mansion, have had the same under consideration, and have instructed me to report the same back, and recommend that the same be allowed, and that it be referred to the Committee on Finance, to be incorporated in the General Appropriation Bill.

Which report was concurred in.

Mr. Denbo, from the Committee on the Organization of Courts, submitted the following report :

MR. PRESIDENT :

The Committee on the Organization of Courts, to whom was referred House bill No. 203, "An act fixing the time of holding

Circuit Courts in the several counties composing the sixth Judicial Circuit, &c.," have had the same under consideration, and recommend the passage of the same.

Which report was concurred in.

Mr. Denbo, from the Committee on the Organization of Courts, submitted the following report:

MR. PRESIDENT:

The Committee to whom was referred Senate bill No. 206, "An act to fix the time of holding the Circuit Courts in the several counties composing the sixth Judicial Circuit, and repealing all laws in conflict therewith," have had the same under consideration, and recommend that it lie on the table, its provisions being provided for by House bill No. 203.

Which report was concurred in.

Mr. Green submitted the following report:

MR. PRESIDENT:

The Committee on the Organization of Courts, to whom was referred Senate bill No. 211, "A bill defining what counties shall constitute the eighth Judicial Circuit, and fixing the terms of holding the Courts therein," have had the same under consideration, and recommend its passage.

Which report was concurred in.

Mr. Robinson of Madison, submitted the following report:

MR. PRESIDENT:

The Judiciary Committee, to whom was referred Senate bill No. 258, "A bill to allow partnerships to bring and maintain suits in their adopted names in certain cases," report that they have had the same under consideration, and respectfully recommend the passage of said bill.

Which report was concurred in.

Mr. Caven submitted the following report:

MR. PRESIDENT:

The Judiciary Committee, to whom was referred Senate bill No. 262, introduced by Senator Hooper, entitled "An act requiring certain pleadings of fact in actions founded on bills of exchange, promissory notes and accounts, to be verified by affidavit," report that they have had the same under consideration, and respectfully recommend that said bill lie on the table.

Which report was concurred in.

Mr. Jaquess asked leave to take up the claim of Judge Morrison from the table, and recommend it to the Committee on Claims.

Which was agreed to.

Mr. Stein submitted the following report:

MR. PRESIDENT:

The Committee on the Organization of Courts, to whom was referred House bill No. 248, have had the same under consideration, and find that said bill is reported as having been engrossed, but the Committee find in the third line on page 2 the word "and," also the word "Decatur" erased with pencil mark, and the words "and Decatur five weeks," in pencil, added to the first section.

The Committee therefore recommend that the bill be returned to the House, and to that end suggest the passage of the following resolution:

Resolved, By the Senate, that House bill No. 248, sent to the Senate as an engrossed House bill, be returned to the House, because from several erasures and additions made in pencil and appearing in the body thereof, it would appear that the same is not an engrossed bill, and was erroneously sent as such to the Senate.

Which report was concurred in.

Mr. Scott, from the Committee on Organization of Courts, submitted the following report:

MR. PRESIDENT:

The Committee on Organization of Courts, to whom was referred Senate Bill No. 55, have had the same under consideration,

and directed me to report the same, with the following amendments :

Section 6. That the Prosecuting Attorney of the Circuit Court shall act as the Prosecuting Attorney of said Criminal Court until the next general election in October.

Section 7. There may be organized under the laws of the State a Criminal Court in any county in the State having a voting population of six thousand votes or over, and all the provisions of section five shall be applicable to said court.

And when so amended, we recommend the passage of the same.

The amendments were concurred in.

The question being, Shall the bill pass ?

Those who voted in the affirmative were,

Messrs. Andrews, Bradley, Case, Caven, Cravens, Denbo, Fisher, Gifford, Green, Hadley, Hanna, Hess, Hooper, Hawk, Huey, Huffman, Hughes, Jaquess, Montgomery, Morgan, Rice, Reynolds, Robinson of Madison, Robinson of Decatur, Scott, Smith, Stein, and Wolcott—28.

Those who voted in the negative were,

Messrs. Church, Gray, Hamilton, Henderson, Johnson of Montgomery, Kinley, Lee, and Sherrod—8.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

Mr. Robinson, of Madison, from the Judiciary Committee, submitted the following report :

MR. PRESIDENT :

The Judiciary Committee, to whom was referred Senate bill No. 254, introduced by Senator Lasselle, entitled " An act to declare the intent and meaning of section 27 of the descent law of 1852," report that they have had the same under consideration, and respectfully recommend the passage of said bill.

Which report was concurred in.

S. J.—33.

Mr. Caven submitted the following report :

MR. PRESIDENT :

The Judiciary Committee, to whom was referred Senate bill No. 263, introduced by Senator Cravens, entitled " An act requiring Notaries Public, Clerks of Courts, Justices of the Peace, and all persons authorized to administer oaths, to take acknowledgment and administer oaths to all pensioners in and about their application for pensions, and matters properly connected therewith free of charge, and providing a penalty for the violation of the act," report that they have had the same under consideration, and respectfully recommend that the same lie on the table.

Which report was concurred in.

Mr. Scott, from the Committee on the Judiciary, submitted the following report :

MR. PRESIDENT :

The Judiciary Committee, to whom was referred House bill No. 38, entitled " A bill declaring certain contracts made by or with common carriers void," report that they have had the same under consideration, and respectfully recommend the passage of said bill.

Which report was concurred in.

Mr. Caven, from the Committee on the Judiciary, submitted the following report :

MR. PRESIDENT :

The Judiciary Committee, to whom was referred Senate bill No. 266, entitled " A bill to amend the 68th section of an act entitled ' An act to revise, simplify, and abridge the rules, practice, pleadings, and forms in criminal actions in the courts of this State,' " report that they have had the same under consideration, and respectfully recommend that said bill lie on the table.

Which report was concurred in.

Mr. Robinson of Madison made the following report :

MR. PRESIDENT :

The Committee on Organization of Courts, to whom was referred Senate bill No. 186, presented by Senator Sherrod, entitled "An act to establish a Court of Common Pleas in each county in the State, defining the jurisdiction thereof and the duties of, and providing for the compensation of the Judges thereof," have had the same under consideration, and recommend that it be laid upon the table.

Which report was concurred in.

Mr. Stein submitted the following report :

MR. PRESIDENT :

The Judiciary Committee, to whom was referred Senate bill No. 215, introduced by Senator Stein, entitled a bill to authorize counties to aid in the construction of railroads by taking stock in and making donations to railroad companies, together with the pending amendments, have had the same under consideration, and recommend, as an additional amendment thereto, amendment No. 13, and upon the adoption of said pending amendments, and the accompanying amendment No. 13, respectfully recommend the passage of said bill.

Which report was concurred in.

Mr. Hanna, from the Committee on the Judiciary, made the following report :

MR. PRESIDENT :

The Judiciary Committee, to whom was referred Senate bill No. 261, entitled "An act to allow cities and incorporated towns within this State to erect buildings for fire and other municipal purposes on docks and wharfs in certain cases," report that they have had the same under consideration, and respectfully recommend the passage of the bill.

Which report was concurred in.

Mr. Hanna, from the Committee on Education, submitted the following report :

MR. PRESIDENT :

The Committee on Education, to whom was referred Senate bill No. 101, to authorize the Trustees of the State University to establish a Medical College," have had the same under consideration, and have instructed me to report it back to the Senate with the recommendation that it lie on the table.

Which report was concurred in.

REPORTS FROM SELECT COMMITTEES.

Mr. Bradley submitted the following report :

MR. PRESIDENT :

The select committee, to whom was referred Senate bill No. 276, "A bill for the relief of the heirs of Patrick Donevan, deceased," have had the same under consideration, and herewith respectfully report the same to the Senate with a recommendation that it do pass.

Which report was concurred in.

Mr. Hooper submitted the following report :

MR. PRESIDENT :

The Committee on Phraseology and Enrolled Bills have carefully examined Enrolled Senate act No. 268, an act to amend the first section of an act to fix the time of holding the Courts of Common Pleas in the Fifth Judicial District, and repealing all other laws on the same subject, and declaring when this act shall take effect, approved February 9, 1867.

Also, Enrolled Senate act No. 56, an act to amend sections 133 and 134 of an act entitled "An act providing for the settlement of decedent's estates, prescribing the rights, liabilities and duties of officers connected with the management thereof, and the heirs thereto, and certain forms to be used in such settlement," approved June 17, 1852.

Also, Enrolled Senate act No. 256, "An act to fix the time of holding the Courts of Common Pleas in the Eleventh Judicial District, and repealing all the laws on the same subject."

Also, Enrolled Senate acts Nos. 222, 138 and 259, and find all of said acts to be neatly and correctly enrolled.

Which report was concurred in.

RESOLUTIONS.

Mr. Bradley offered the following resolution :

Resolved, That Wm. H. Montgomery, Senator from the counties of Martin, Pike and Dubois, be allowed his per diem as such Senator from the commencement of the present session of the General Assembly, and the further sum of two hundred dollars for his cost and expenses of contest for his seat.

Mr. Church moved that it be referred to the Committee on Expenditures.

Which was not agreed to.

The resolution was then adopted.

Mr. Hughes introduced

Joint Resolution No. 13, authorizing the Governor to collect by suit from the Terre Haute & Indianapolis railroad company, all claims, dues and demands, rightfully owing to the State.

Mr. Scott moved to amend with a proviso, that said suit, if brought, shall be instituted in Vigo county.

Mr. Hughes moved to lay the amendment on the table.

Which was agreed to.

The question being upon the passage of the Joint Resolution.

Those who voted in the affirmative were,

Messrs. Andrews, Armstrong, Bellamy, Bird, Bradley, Case, Caven, Church, Cravens, Fisher, Gifford, Gray, Green, Hadley, Hamilton, Henderson, Hess, Hooper, Howk, Huey, Huffman, Hughes, Johnson of Montgomery, Kinley, Lasselle, Lee, Montgomery, Morgan, Rice, Reynolds, Robinson of Madison, Robinson of Decatur, Scott, Sherrod, Smith, Stein and Wolcott—37.

Those who voted in the negative were,

Messrs. Denbo and Hanna—2.

So the Joint Resolution passed.

Ordered, That the Secretary inform the House thereof.

Mr. Johnson of Montgomery moved to re-consider the vote on the passage of Joint Resolution No. 13.

Mr. Church moved to lay the motion to re-consider upon the table.

The ayes and noes were demanded by Messrs. Johnson of Montgomery and Hanna.

Those who voted in the affirmative were,

Messrs. Armstrong, Church, Fisher, Hooper, Jaquess, Rice, Scott, Stein and Wolcott—9.

Those who voted in the negative were,

Messrs. Andrews, Bellamy, Bird, Bradley, Case, Caven, Cravens, Denbo, Gifford, Gray, Green, Hamilton, Hanna, Henderson, Hess, Hawk, Huey, Huffinan, Hughes, Johnson of Montgomery, Kinley, Lasselle, Lee, Montgomery, Morgan, Reynolds, Robinson of Decatur and Smith—28.

So the motion to lay upon the table did not prevail.

The question recurring upon the motion to reconsider the vote by which the Joint Resolution No. 13 passed.

The ayes and noes being demanded,

Those who voted in the affirmative were,

Messrs. Bird, Case, Caven, Cravens, Denbo, Gifford, Gray, Green, Hanna, Henderson, Hess, Hawk, Huey, Huffinan, Hughes, Johnson of Montgomery, Kinley, Lasselle, Montgomery, Robinson of Decatur, Scott and Sherrod—22.

Those who voted in the negative were,

Messrs. Andrews, Armstrong, Bellamy, Bradley, Church, Fisher, Hamilton, Hooper, Lee, Morgan, Rice, Reynolds, Robinson of Madison, Stein and Wolcott—15.

So the motion to reconsider the vote by which Joint Resolution No. 13 was passed, prevailed.

Mr. Johnson, of Montgomery, offered the following amendment:
Amend in the proper place,

Provided, however, that no member of this General Assembly shall be employed as such Attorney.

Which was adopted.

Mr. Johnson, of Montgomery, moved the previous question, which was seconded by the Senate.

The question being, shall the Joint Resolution pass?

Those who voted in the affirmative were,

Messrs. Andrews, Armstrong, Bellamy, Bird, Bradley, Case, Caven, Church, Cravens, Denbo, Fisher, Gifford, Gray, Green, Hadley, Hamilton, Henderson, Hess, Hooper, Hawk, Huey, Huffman, Hughes, Johnson of Montgomery, Kinley, Lee, Lasselle, Montgomery, Morgan, Rice, Reynolds, Robinson of Madison, Robinson of Decatur, Scott, Sherrod and Smith—36.

Those who voted in the negative were,

Messrs. Stein and Wolcott—2.

So the Joint Resolution passed.

Ordered, That the Secretary inform the House thereof.

Mr. Scott gave notice that at the proper time, he would move to reconsider the vote just taken.

Mr. Green offered

Joint Resolution No. 14. Declaring it unconstitutional and impolitic for the General Assembly to purchase the Wabash and Erie Canal, or to acknowledge any liability on the part of the State on account of the debt charged upon said Canal.

On motion of Mr. Cravens, the Joint Resolution was referred to the Committee on the Judiciary.

Mr. Wolcott moved to take up his concurrent resolution proposing an amendment to the Constitution.

Mr. Cravens moved to refer it to the Committee on the Judiciary

Mr. Scott moved to refer it to the Committee on Canals and Internal Improvements.

Messrs. Wolcott and Fisher demanded the ayes and noes.

Mr. Bird moved to indefinitely postpone the whole subject.

Upon that, the ayes and noes were demanded.

Mr. Hanna asked and obtained leave of absence for Mr. Humphreys.

On motion of Mr. Stein, the Senate adjourned.

TUESDAY, 2 O'CLOCK, P. M.

The Senate met.

The question pending at adjournment, was the motion to indefinitely postpone the concurrent resolution, proposing an amendment to the Constitution, and the several motions in reference thereto.

Mr. Wolcott demanded a call of the Senate.

The Secretary proceeded with the call.

The following Senators answered to their names.

Messrs. Andrews, Armstrong, Bellamy, Bird, Case, Caven, Church, Cravens, Elliott, Fisher, Gifford, Gray, Green, Hadley, Hamilton, Henderson, Hooper, Howk, Huey, Huffman, Hughes, Johnson of Spencer, Johnson of Montgomery, Kinley, Lasselle, Lee, Morgan, Rice, Reynolds, Robinson of Madison, Robinson of Decatur, Scott, Smith, Stein and Wolcott—35.

On motion of Mr. Johnson of Spencer, further proceedings under the call was dispensed with.

The question being upon the motion to indefinitely postpone the whole subject.

Those who voted in the affirmative were,

Messrs. Bellamy, Bird, Case, Cravens, Elliot, Gray, Hamilton, Henderson, Huey, Huffman, Hughes, Lasselle, Lee, Morgan, Scott, and Smith—16.

Those who voted in the negative were,

Messrs. Andrews, Armstrong, Caven, Church, Fisher, Gifford, Green, Hadley, Hooper, Howk, Johnson of Spencer, Kinley, Rice, Reynolds, Robinson of Madison, Robinson of Decatur, Stein and Wolcott—18.

So the motion to indefinitely postpone, was not agreed to.

The question recurring upon the motion to refer the resolution to the Committee on the Judiciary.

The ayes and noes were demanded by Messrs. Hughes and Walcott.

Those who voted in the affirmative were,

Messrs. Armstrong, Bellamy, Bird, Case, Cravens, Elliot, Gray, Hamilton, Henderson, Hooper, Howk, Huey, Hughes, Lasselle, Lee, Morgan, Robinson of Decatur, Scott and Smith.—19.

Those who voted in the negative were,

Messrs. Andrews, Caven, Church, Fisher, Gifford, Green, Hadley, Huffman, Johnson of Spencer, Kinley, Rice, Reynolds, Robinson of Madison, Stein and Wolcott—15.

So the motion to refer to the Committee on the Judiciary prevailed.

Mr. Hughes moved to reconsider the vote, by which the resolutions of censure of the Lieutenant Governor were passed.

Mr. Huey moved to lay that motion upon the table.

They ayes and noes were demanded by Messrs. Hughes and Huffman.

The question being upon the motion to lie upon the table.

Those voted in the affirmative were,

Messrs. Bird, Bradley, Cravens, Denbo, Fisher, Hanna, Henderson, Hooper, Howk, Huey, Hughes, Johnson of Montgomery, Kinley, Montgomery, Morgan and Stein—16.

Those who voted in the negative were,

Messrs. Armstrong, Bellamy, Case, Caven, Church, Elliott, Gifford, Gray, Green, Hadley, Hamilton, Hess, Huffman, Jaquess, Johnson of Spencer, Lasselle, Lee, Rice, Reynolds, Robinson of Decatur, Scott, Smith and Walcott—23.

So the motion to lie upon the table did not prevail.

Mr. Hughes moved to postpone the further consideration of the question until next Friday, at half past two o'clock, P. M.

Mr. Rice moved to lay that motion upon the table.

The ayes and noes were demanded by Messrs. Church and Humphreys.

Those who voted in the affirmative were,

Messrs. Armstrong, Bellamy, Case, Caven, Church, Elliott, Gray, Gifford, Green, Hadley, Hamilton, Jaquess, Johnson of Spencer, Lee, Rice, Robinson of Madison, Robinson of Decatur, Scott, Smith and Wolcott—20.

Those who voted in the negative were,

Messrs. Bird, Bradley, Cravens, Denbo, Fisher, Hanna, Henderson, Hess, Hooper, Howk, Huey, Huffman, Hughes, Johnson of Montgomery, Kinley, Lasselle, Montgomery, Morgan, Reynolds, Stein and Turner—21.

So the motion to lay the motion to postpone upon the table, did not prevail.

The question recurring upon the motion to postpone until Friday next at half past two o'clock P. M.

Which was agreed to.

Message from the House, by Mr. Merwin, clerk thereof.

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the House has passed, with the accompanying engrossed amendment of the House thereto attached, the following Senate bill, to-wit :

Senate bill No. 97. "An act prohibiting Supreme, Circuit or Common Pleas Judges, Clerks of the Circuit Courts, Clerks of the Court of Common Pleas, Auditors, Treasurers, Recorders, Sheriffs, and their deputies, from practicing law in any of the Courts of this State, and prescribing punishment for the violation thereof."

I am also directed to inform the Senate that the House has passed the following bills thereof, to-wit :

House bill No. 36. A bill concerning vagrants.

House bill No. 68. A bill to amend sections 63 and 69 of chapter 12, of an act entitled "An act to repeal all general laws now in force for the incorporation of cities, and to provide for the incorporation of cities, prescribing their powers and rights, and the manner in which they shall exercise the same, and to regulate such other matters as properly pertain thereto," approved March 14th, 1867.

House bill No. 72. "A bill defining what counties shall constitute the Fifth Judicial Circuit, and fixing the time of holding Courts therein."

House bill No. 92. "A bill to amend section one of an act entitled an act to establish a House of Refuge, for the Correction of Juvenile Offenders," approved March 8th, 1867.

House bill No. 110. "A bill to amend section 47 of an act entitled an act to provide for opening, vacating and change of highways," approved June 17th, 1852.

House bill No. 123. "A bill to amend section three of an act entitled an act to require surviving partners to file inventories and appraisements in the office of the Clerk of the Court of Common Pleas, and to report the liabilities of the firm."

House bill No. 127. A bill authorizing County Recorders to demand and receive their fees for recording at the time deeds, mortgages, and other papers are presented to them for record.

House bill No. 167. A bill defining certain misdemeanors, and prescribing punishment therefor, and fixing fees of certain officers in prosecutions under this act, and preventing minors from playing at billiards in public billiard saloons.

House bill No. 97. A bill authorizing certain County Auditors to correct their reports to the Superintendent of Public Instruction relative to the school fund, Common and Congressional, as required by an act entitled "An act requiring County Auditors to make examination of the records in their office in relation to school funds, and make report, and providing compensation therefor," approved December 21, 1865, and declaring an emergency.

I am also directed to inform the Senate that

House bill No. 248, returned from the Senate for correction, has been properly corrected, and is again herewith submitted to the Senate.

SPECIAL ORDER.

The hour having arrived, the Senate resolved itself into a Committee of the Whole for the consideration of Senate bill No. 197.

Mr. Robinson, of Madison, in the chair.

After some time spent in consideration thereof the committee arose, and through its chairman, made the following report :

MR. PRESIDENT :

The Committee of the Whole have had Senate bill No. 197 under consideration, and have made progress, and ask leave to rise and sit again.

Which report was concurred in.

On motion of Mr. Church,

The Senate adjourned.

WEDNESDAY, February 24th, 1869. }
 10 o'clock, A. M. }

Senate met.

The Journal of yesterday was read.

Message from the Governor, by John M. Commons, his Private Secretary.

EXECUTIVE DEPARTMENT, }
 INDIANAPOLIS, February 22, 1869. }

MR. PRESIDENT :

I am directed by the Governor to respectfully inform the Senate that he has approved and signed

Enrolled act No. 227, entitled " An act to fix the time of holding Courts of Common Pleas in the counties of Jennings, Lawrence, Jackson, and Bartholomew, repealing all laws inconsistent therewith, and declaring an emergency.

And that the same has been deposited in the office of the Secretary of State.

JOHN M. COMMONS,
 Private Secretary.

Message from the House, by Mr. Merwin, Clerk thereof.

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the House has passed the following Engrossed Bill thereof, to-wit :

House bill No. 50. A bill to amend an act incorporating cities and towns.

In which the concurrence of the Senate is respectfully requested.

REPORTS OF STANDING COMMITTEES.

Mr. Turner submitted the following report :

MR. PRESIDENT :

The Committee on Finance, to whom was referred House bill No. 202, entitled a bill to make certain specific appropriations therein designated, have had the same under consideration, and have directed me to report the same back and recommend its passage.

Which report was concurred in.

Mr. Turner moved that the rules be suspended, and the bill be read a second and third times now.

The ayes and noes were taken under the Constitution.

Those who voted in the affirmative were,

Messrs. Andrews, Armstrong, Beardsley, Bellamy, Bird, Bradley, Case, Caven, Church, Cravens, Denbo, Elliott, Fisher, Gifford, Gray, Green, Hadley, Hamilton, Hanna, Henderson, Hess, Hooper, Howk, Huey, Huffman, Hughes, Jaquess, Johnson of Spencer, Johnson of Montgomery, Kinley, Lee, Montgomery, Morgan, Rice, Reynolds, Robinson of Madison, Robinson of Decatur, Scott, Smith, Stein, Turner and Wolcott—42.

No Senator voted in the negative.

So the rules were suspended, and the bill was read a third time.

The question being, shall the bill pass ?

Those who voted in the affirmative were,

Messrs. Andrews, Armstrong, Beardsley, Bird, Bradley, Case, Caven, Church, Cravens, Denbo, Elliott, Fisher, Gifford, Gray, Green, Hadley, Hamilton, Henderson, Hess, Hooper, Howk, Huey, Huffman, Hughes, Jaquess, Johnson of Spencer, Kinley, Lee, Montgomery, Morgan, Rice, Reynolds, Robinson of Madison, Scott, Smith, Stein, Turner and Wolcott—39.

Those who voted in the negative were,

Messrs. Hanna and Johnson of Montgomery—2.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

Mr. Kinley, from the Committee on Education, made the following report:

MR. PRESIDENT:

The Committee on Education, to whom was referred House bill No. 62, entitled a bill to amend section 147 of an act entitled "An act to provide for a general system of common schools," &c., have considered the same, and respectfully return the same to the Senate and recommend its passage.

Which report was concurred in.

Mr. Smith submitted the following report:

MR. PRESIDENT:

The Committee on the Organization of Courts, to whom was referred Senate bill No. 242, a bill creating the 25th Common Pleas District, and making provision therefor, and repealing all laws coming in conflict therewith, presented by Senator Sherrod, have had the same under consideration, and recommend that it do lay upon the table.

Which report was concurred in.

Mr. Stein, from the Committee on the Organization of Courts, made the following report:

MR. PRESIDENT:

The Committee on the Organization of Courts, to whom was referred Engrossed House bill No. 11, have had the same under consideration, and recommend that after the second line, in section 4, be inserted to-wit:

"The court in the county of Miami, at the spring term thereof, for 1869, shall commence on the 29th day of March, 1869, and shall sit four weeks, if the business thereof require it; and the court in

the county of Wabash shall commence at the expiration of the court in the county of Miami, and shall sit as long as the business thereof shall require; and thereafter the courts in said circuit shall sit as follows, to-wit:

2d. Strike out section 7, and in lieu thereof insert the following:

“The counties of Pulaski and Stark are annexed to and shall constitute part of the 11th Judicial Circuit. The courts in Pulaski shall sit on the Monday succeeding the terms in the county of Cass, and the courts of Stark on the Mondays succeeding the courts in Pulaski, and shall hold one week each.

3d. Amend section 8, by striking out from and including the word “and,” in line four of same section, and insert in lieu thereof the following, to-wit: “But this act shall not affect the holding of courts in the counties constituting the 21st Judicial Circuit, as now prescribed for by law for said counties until the 29th of March, 1869.”

4. Amend the title by striking out the following words, to-wit: “Also to fix the time for holding the spring terms of Courts of Common Pleas in Miami county,” and inserting in lieu thereof the following, to-wit: “annexing Pulaski and Stark counties to the 11th Judicial Circuit, and fixing the time of holding courts in said counties.”

When the bill is so amended, the committee recommend its passage.

Which report was concurred in.

Mr. Scott, from special committee, made the following report:

MR. PRESIDENT:

The special committee, to whom was referred the concurrent resolution of the Senate, with the amendment of the House, and instructions on the part of the Senate concerning the distribution of the Adjutant General's Reports, have had the same under advisement, and find that the law of December 22d, 1865, sufficiently provides for the distribution of said reports. Said law is copied into the first volume of said report, opposite the title-page. That since the appointment of your committee, the Adjutant General has put up in packages seven volumes of his report for each member of the present General Assembly (the additional volume having

been previously distributed) who had not previously been supplied with a full set of said reports.

Your committee, in accordance with the resolutions and instructions, recommend the distribution to the employees of the present General Assembly each one set of said reports. The sets distributed under the provisions of this report can be furnished out of the extra sets in the hands of the Adjutant General or Librarian, without changing or interfering with the provisions of the statute above referred to.

All of which is respectfully submitted.

Which report was concurred in.

Mr. Hadley, from the Committee on Fees and Salaries, submitted the following report :

MR. PRESIDENT :

The Special Committee on Fees and Salaries, to whom was referred Senate bill No. 160, introduced by Senator Henderson, entitled an act fixing the salaries of certain county officers therein mentioned, and prescribing their duties in certain cases, and fixing the pay of clerks and deputies employed by them, have had the same under consideration, and for the reason that its important provisions are embodied in Senate bill No. 217, have directed me to report the same back to the Senate with the recommendation that it lie on the table.

Which report was concurred in.

Mr. Hanna submitted the following report :

MR. PRESIDENT :

The select committee, to whom was referred Senate bill No. 217, a bill regulating fees of county officers, and declaring an emergency, have directed me to report the same back with an amendment, striking the same out and inserting from the enacting clause, and inserting the sections herewith reported :

That the Clerks, Sheriffs, Treasurers and Auditors of the several counties shall charge and collect the fees for services fixed by law, commencing under this act on the first day of June, 1869, and of the fees so collected and allowances made to each of said officers, they shall each keep a full and correct account in a book kept for

that purpose, and shall each, at every regular term of the board doing county business, make a full report of the fees and emoluments of his office to said board under oath, and show therein from what source, from whom, and in what cases, all moneys shall have been received since the last report, which report said board shall cause to be filed and kept among the records of said counties.

SECTION 2. It shall be the duty of each of the officers in the first section named, in a fee book by him provided for that purpose, to carefully and honestly enter every day all the fees, perquisites and emoluments, by him charged, with a statement of the services rendered therefor. Such fee books shall during office hours be kept open, subject to public inspection, and shall be by such officer produced to the Board doing County Business at the time he makes his report, as provided in the first section of this act, at which time he shall also produce to said Board and file the certificate on receipt of the Treasurer of said county, for the sum apparently due from him by said report, as hereinafter provided.

SECTION 3. Each of said officers shall be entitled to retain of the fees, perquisites and emoluments of his office, the sum of eighteen hundred dollars per annum, in compensation for the discharge of the duties of said office, and if the sum by him collected for his official services amounts to more than said sum of eighteen hundred dollars per annum, then of all sums by him so collected above that amount he shall be entitled to retain one half for the purposes aforesaid, and the other half he shall pay into the County Treasury, taking duplicate receipts from the Treasurer therefor, one of which he shall file with his report to the Board doing County Business, and the other he shall enter in a book kept for that purpose, and file the original among the papers of his office.

SECTION 4. It shall be the duty of each of said officers to diligently collect all the fees, perquisites and emoluments of his office so by him charged as aforesaid, and report the same as herein required, and pay over such sums as by this act is his duty to pay, and if any such officer shall wilfully, negligently, or fraudulently fail or refuse to comply with the provisions of this act, he shall be liable to legal proceedings on his official bond, in the Common Pleas or Circuit Court of the county, and if convicted of wilfull neglect or fraud in the discharge of said duties, it shall be a part of

the judgment of the Court trying said cause that he shall be evicted from his said office and the same declared vacated, and said Court shall cause the proper appointing power to be informed by a certified transcript of said judgment, of said vacancy.

SECTION 5. It shall be the duty of the Auditor of each county, on or before the ——— day of ——— in each year, to transmit to the Auditor of State, a statement of said quarterly reports so made by said County Officers.

Which report was concurred in.

Mr. Church, from the Committee on Benevolent Institutions, submitted the following report:

MR. PRESIDENT:

The Committee on Benevolent Institutions, to whom was referred Senate bill No. 246, "A bill to amend sections four, thirteen and fifteen, of an act entitled an act to establish a home for the maintenance of sick and disabled Indiana soldiers and seaman, and their orphans and widows," approved March 11, 1867, have had the same under consideration, and direct me to report the same to the Senate, with the following amendment, to-wit: strike out section three (3) of the bill, and when so amended the Committee recommend that the bill do pass.

Which report was concurred in.

Mr. Gray, from the Committee on Swamp Lands, submitted the following report:

MR. PRESIDENT:

The Committee on Swamp Lands, to whom was referred Senate bill No. 270, "A bill to provide for the payment of certain claims for ditching swamp lands, out of the several Swamp Land Funds," have had the same under consideration, and recommend its passage.

Which report was concurred in.

Mr. Hooper, Chairman of the Committee on Phraseology and Enrollment of Bills, submitted the following report:

MR. PRESIDENT :

The Committee on Phraseology and Enrollment of Bills have carefully examined Enrolled Joint Resolution No. 7, and Enrolled Joint Resolution No 12, and find the same to be neatly and correctly enrolled.

Which report was concurred in.

Mr. Hooper, from the Committee on Phraseology and Arrangement of Bills, submitted the following report :

MR. PRESIDENT :

The Committee on Phraseology and Arrangement of Bills and Enrolled Bills, respectfully report that they have carefully examined Enrolled Acts Nos. 27, 119 and 178, and Enrolled Joint Resolution No. 10, and find each of them to be correctly and legibly enrolled.

Which report was concurred in.

BILLS INTRODUCED.

Mr. Hanna introduced

Senate bill No. 278. A bill concerning appeals in cases of contempt.

Which was read a first time and referred to the Committee on the Judiciary.

Mr. Bradley introduced

Senate bill No. 279. An act to reorganize the Ninth Judicial Circuit, providing for the times of holding courts therein, repealing all laws in conflict therewith, and declaring an emergency.

Which was referred to a select committee of Messrs. Bradley, Reynolds and Church.

Mr. Craevns introduced

Senate bill No. 280. An act entitled an act to amend the first section of an act entitled "An act regulating docket fees of District Attorneys in the Court of Common Pleas, and before Justices of the Peace, and regulating Prosecuting and District Attorneys' fees for prosecutions on forfeited recognizances," approved June 4, 1861.

Which was referred to the Committee on Fees and Salaries.

Mr. Hughes introduced

Senate bill No. 281. An act to provide for the judicial decision of the title and use of Square No. 25, in the city of Indianapolis, to quiet controversy concerning the same, and to protect the rights of the State therein.

Which was read a first time.

Mr. Hanna moved to reject the bill as unconstitutional.

Which was not agreed to.

Mr. Hughes moved that it be referred to the Committee on the Judiciary.

Which was agreed to.

Mr. Hughes introduced

Senate bill No. 282. An act defining and providing punishment for libel.

Which was read a first time and referred to the Committee on the Judiciary.

Mr. Armstrong introduced

Senate bill No. 283. An act to prevent the running at large of bulls, rams and boars.

Which was read a first time and referred to the Committee on the Rights and Privileges of the Inhabitants of the State.

Mr. Sherrod introduced

Senate bill No. 284. An act to provide for the erection and repair of any bridge across a stream forming the boundary line between two counties, and to repeal all laws inconsistent therewith.

Which was read a first time and referred to a select committee consisting of Messrs. Sherrod, Andrews and Fisher.

Mr. Wolcott introduced

Senate bill No. 285. An act to amend section 1 of an act entitled An act to incorporate the University of *Notre Dame du Lac*, at South Bend, St. Joseph county, Indiana, approved January 15th, 1844.

Which report was referred to the Committee on Corporations.

Mr. Henderson introduced

Senate bill No. 286. An act supplementary to an act entitled An act to incorporate the Franklin Insurance Company, approved February 13th, 1851, authorizing said company to change its place of business, to increase its capital stock, and contract for and increase the rate of interest established by law.

Which was read a first time and referred to a special committee consisting of Messrs. Henderson, Montgomery, and Reynolds.

Mr. Hooper moved that

Senate bill No. 262, entitled An act requiring certain pleadings of fact in actions founded on bills of exchange, promissory notes and accounts to be verified by affidavit, be taken from the table and placed upon the files.

Which was agreed to.

Mr. Armstrong introduced

Senate bill No. 287. An act to amend section five of an act entitled An act to render uniform the assessment of personal property in the several townships of the different counties, approved December 19, 1865.

Which was referred to the Committee on County and Township Business.

Mr. Gray moved that

Engrossed Senate bill No. 45, entitled An act relating to the salaries of the Judges of the Supreme, Circuit, Civil, Criminal Circuit, and Common Pleas Courts, and declaring an emergency, be taken from the table and placed upon the files.

Which was agreed to.

Mr. Bradley moved that

Senate bill No. 182, entitled An act to provide for a reformatory Institute for Girls and Women, be taken from the table and placed on the files.

Which was agreed to.

Mr. Rice introduced

Senate bill No. 288. An act to amend sections 25 and 28 of an act entitled An act dividing the State into counties, defining their boundaries, and defining the jurisdiction of such as border on the Ohio and Wabash rivers, approved June 7th, 1852; and to provide for jurisdiction, and for collection of certain taxes in the territory aforesaid, and providing for submitting the question of readjusting the boundary lines between the counties of Warren and Fountain to the legal voters of those counties.

Mr. Hughes moved that the bill be referred to the Committee on the Judiciary.

Which was agreed to.

Mr. Caven introduced

Senate bill No. 289. An act to provide for the location of a site for a State Industrial College.

Which was referred to the Joint Committee on Education and Agriculture.

Mr. Robinson of Decatur, moved to take up House bill No. 248.

"A bill fixing the time of holding Circuit Courts in the several counties, comprising the Fourth Judicial Circuit of this State, and declaring an emergency," and refer the same to the Committee on the Organization of Courts.

Which was agreed to.

Mr. Hadley moved to take up engrossed House bill No. 64.

"A bill defining what counties shall constitute the Twelfth Judicial Circuit, and fixing the time for holding courts therein," and refer it to a Special Committee, consisting of Messrs. Hadley and Caven.

Which was agreed to.

Engrossed Senate bill No. 94. "A bill touching the consolidation of railroads, and declaring the effect of such consolidation, and the House amendments thereto."

Was taken up.

Mr. Cravens offered the following amendment.

Amend Sections 6 and 7 as follows :

That when any railroad of this State consolidates its stock with any railroad without this State, such railroad company is hereby required in the selection of its Board of Directors at each election of said Boards after the passage of this act, to elect as members of said Board, a number of the bona fide citizens of this State, which number shall be in proportion to the whole number of which said Board is composed, as the length of the line of said road in this meeting of the Board of Directors of any such road held after the first State bears to the whole length of the line of said road, and no regular election by said railroad company, after the passage of this act, shall be adjudged in any of the courts of this State, to be a legal and valid meeting, so as in any way to bind said companies or the stockholders thereof, or any other persons, unless the said Board of Directors shall have been chosen in compliance with the provisions of this sections.

Amend Section 8, line 4, by striking out the words "the principal," and insert "an ——" line 6, at end of the word "company," add "within this State," line 9, add after the word "company" the words "within this State."

Mr. Scott moved that the bill and pending amendments be referred to the Committee on the Judiciary.

Mr. Stein moved to amend by referring to the Committee on Canals and Internal Improvements.

Which was agreed to.

The following message from the House was taken up.

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the House has passed engrossed Senate bill No. 96 with the following amendment :

Amend by striking out the words "counties in which they hold their offices."

Which amendment was concurred in, and the bill was read a second time, as amended.

Senate bill No. 244. An act to amend an act entitled "An act to provide for a general system of Common Schools; the officers thereof, and their respective powers and duties, and matters properly connected therewith, and prescribing the fees for certain officers therein named, and for the establishment and regulation of township libraries, and to repeal all laws inconsistent therewith, providing penalties therein prescribed, approved March 6th, 1865, and adding supplemental sections thereto."

Was read a second time.

Mr. Jaquess offered the following amendments :

1. Amend the first section by striking from the fifth line the word "and," where it first occurs, and insert in lieu thereof the word "on."

Which was adopted.

2. Amend the first section by inserting in the sixth line, immediately after the word "nine," the words "or as soon thereafter as may be practicable."

Which was adopted.

3. Amend the first section by adding thereto the following words, viz: "In case of the death, resignation, or refusal to qualify of any such School Trustee, such Board of Trustees or Common Council shall, at any regular meeting thereof, fill such vacancy, and the person elected to fill such vacancy shall hold his office for and during the unexpired term of the person whose vacancy he may be elected to fill."

Which was adopted.

Mr. Bradley offered the following amendment :

Strike out the following words in the fourth and fifth lines, to-wit: "After the election of the Common Council and Town Trustees, in the month of May," and insert in lieu thereof the words "in the month of March."

Which amendment was adopted.

On motion of Mr. Rice, the Senate adjourned.

WEDNESDAY, 2 O'CLOCK P. M.

The Senate met.

Mr. Kinley moved a call of the Senate.

The Secretary proceeded with the call, when the following Senators answered to their names :

Messrs. Andrews, Beardsley, Bellamy, Bird, Bradley, Case, Caven, Cravens, Denbo, Fisher, Gifford, Gray, Green, Hadley, Hamilton, Hanna, Hess, Hooper, Howk, Huffman, Hughes, Jaquess, Johnson of Montgomery, Kinley, Lasselle, Lee, Morgan, Rice, Reynolds, Robinson of Madison, Robinson of Decatur, Scott, Smith, and Stein—35.

On motion, the further proceedings under the call were dispensed with.

Mr. Bellamy asked and obtained leave of absence for Mr. Reynolds till Friday next.

Mr. Kinley asked and obtained leave of absence for Mr. Armstrong till Friday.

The question pending at adjournment being the adoption of the amendments to Senate bill No. 144, offered by Mr. Bradley :

Strike out the following words, in the seventh line, "as said Trustees shall determine by lot at the time of their organization," and insert the following : "As said Common Council or Town Trustees shall designate at the time of their election."

Which was adopted.

4. Insert at the end of the section the following words : "All vacancies in the office of School Trustees of any city or town shall be filled by the Common Council of the city or Board of Trustees of the town, as the case may be."

Which was adopted.

Mr. Bellamy offered the following amendment :

"Add to section 2d: The term of office of said township trustees, shall commence on the Monday after the first Monday in

June, or as soon thereafter as they may be elected, or appointed and qualified."

Which amendment was adopted.

Mr. Kinley offered the following substitute for section 19 :

It shall be duty of the State Board of Education to publish in the month of August, 1869, and in the month of August of every fourth year thereafter, to cause to be published in the Educational Journals of this State, a list of approved text books, in each of the branches required to be taught in the public schools. No teacher shall be permitted to change the books thus recommended without the consent of the township, incorporated town, or the Board of Education of the city in which his school is situated.

Mr. Johnson of Montgomery, moved to strike out section 19.

Which was agreed to.

Mr. Hughes moved to indefinitely postpone the bill, with the pending amendments.

Which was not agreed to.

Mr. Hughes offered the following amendment :

Strike out section 19, and insert the following in lieu thereof: The text books in the public schools of this State shall be uniform, and shall be designated and chosen in pursuance of instructions from the Superintendent of Public Instruction and shall not be changed without his authority, and when changed, shall be made uniform, according to such change.

Which was not adopted.

Mr. Bellamy offered the following amendment to the substitute offered by Mr. Kinley :

Section 19. When a change of school books is desirable, it shall be the duty of the school examiner to call a meeting of the school trustees, teachers and directors of the township, the examiner being *ex-officio* chairman of said meeting, whose duty it shall be to examine and approve the same, which shall be used to the exclusion of all others in those branches. *Provided, however,* that nothing herein contained shall prevent towns or cities from adopting the books to be used in their schools.

Which was not adopted.

Mr. Rice offered the following amendment to the substitute :

“Which list shall be by said Superintendant transmitted contemporaneously with said publication to each school examiner in this State.”

Which was adopted.

The question being upon the adoption of the substitute for section 19, as amended by the amendment offered by Mr. Rice.

Those who voted in the affirmative were,

Messrs. Andrews, Beardsley, Bellamy, Case, Cravens, Fisher, Gifford, Green, Hooper, Hughes, Kinley, Lee, Rice, Scott and Stein—15.

Those who voted in the negative were,

Messrs. Bradley, Caven, Church, Denbo, Elliott, Gray, Hadley, Hamilton, Hanna, Henderson, Hess, Howk, Huey, Huffman, Jaquess, Johnson of Montgomery, Lasselle, Montgomery, Morgan, Robinson of Madison, Robinson of Decatur, Smith and Turner—23.

So the substitute was not adopted.

Mr. Johnson of Montgomery, moved to amend by striking out section 5.

Which was adopted.

Mr. Hughes moved to amend section 6, by inserting the word “white” before the word children.

Mr. Bellamy offered the following amendment to the amendment :

Insert in the 4th line of Section 6, immediately before the word children, the following: White and colored children in separate lists.

Mr. Hooper moved to indefinitely postpone the bill and pending amendments.

Mr. Gifford moved the previous question, which was seconded by the Senate.

The question recurring upon the amendment to the amendment offered by Mr. Bellamy.

Which was adopted.

Mr. Green moved to lay the bill and amendments upon the table.

The ayes and noes were demanded by Messrs. Hughes and Hanna.

Those who voted in the affirmative were,

Messrs. Andrews, Beardsley, Bellamy, Bird, Bradley, Case, Caven, Denbo, Elliott, Gifford, Green, Hadley, Hanna, Hendrson, Hess, Hooper, Howk, Huey, Huffman, Hughes, Jaquess, Johnson of Spencer, Johnson of Montgomery, Lasselle, Lee, Montgomery, Morgan, Rice, Robinson of Madison, Robinson of Decatur, Smith, Stein and Turner—33.

Those who voted in the negative were,

Messrs. Church, Cravens, Fisher, Gray, Hamilton, Kinley, Reynolds and Scott—8.

So the bill with the pending amendments was laid upon the table.

Mr. Hughes moved to reconsider the vote by which the bill and pending amendments were laid upon the table, and then to lay the motion to reconsider upon the table.

The ayes and noes were demanded by Messrs. Stein and Hanna.

Those who voted in the affirmative were,

Messrs. Bird, Bradley, Denbo, Gifford, Hanna, Henderson Hooper, Howk, Huey, Huffman, Hughes, Jaquess, Johnson of Montgomery, Laselle, Lee, Montgomery, Morgan, Smith and Turner—19.

Those who voted in the negative were,

Messrs. Andrews, Beardsley, Bellamy, Case, Caven, Church, Cravens, Elliott, Fisher, Gray, Green, Hadley, Hamilton, Hess, Johnson of Spencer, Kinley, Rice, Reynolds, Robinson of Madison, Robinson of Decatur, Scott and Stein—22.

So the motion to lay the motion to reconsider upon the table did not prevail.

Message from the House by Mr. Merwin, Clerk thereof.

MR. PRESIDENT:

I am directed by the Speaker of the House of Representatives to inform the Senate that he has signed the following enrolled bills of the Senate, to-wit:

Senate bill No. 222. An act to legalize certain defective and irregular assessments for the year 1868, in incorporated cities, and declaring an emergency.

Senate act No. 138. An act to amend the second section of an act entitled "An act to amend the fourteenth and eighteenth sections of an act entitled an act to fix the times of holding the Common Pleas Courts in the several counties of this State, the duration of the terms thereof, and all process from the present Common Pleas Courts, returnable to such tems, and declaring when this act shall take effect, and repealing all laws inconsistent therewith," approved March 5th, 1859, approved May 11th, 1861, and declaring an emergency.

Senate act No. 56. An act to amend sections 133 and 134 of an act entitled an act providing for the settlement of decedent's estates, prescribing the rights, liabilities and duties of officers connected with the management thereof, and the heirs thereto, and certain forms to be used in such settlements, approved June 17th, 1852.

Senate act No. 256. An act to fix the time of holding the Courts of Common Pleas in the Eleventh Judicial District, and repealing all other laws on the same subject.

Senate act No. 259. An act to authorize the Governor to issue a patent to Samuel Cooper, for certain Michigan Road lands in St. Joseph county.

Senate act No. 268. An act to amend the first section of an act to fix the times of holding the Court of Common Pleas in the Fifth Judicial District, repealing all other laws on the same subject, and declaring when this act shall take effect, approved February 9th, 1867.

Message from the House by Mr. Merwin, Clerk thereof.

MR. PRESIDENT :

I am directed by the Speaker of the House of Representatives to inform the Senate that the Speaker has signed House enrolled act No. 202. "An act to make certain specific appropriations therein designated," and the same is herewith transmitted to the Senate for the signature of the President.

Message from the House by Mr. Mervin, Clerk thereof.

MR. PRESIDENT :

I am directed by the Speaker of the House of Representatives to inform the Senate that he has signed the following acts of the Senate, to-wit :

Enrolled act No. 27. An act authorizing the Bristol Hydraulic Company to erect a dam across the St. Joseph river, at, or near Bristol.

Enrolled act No. 119. An act to fix the times of holding the Courts of Common Pleas, in the various counties composing the Fourth Common Pleas District, providing for the return of process, repealing all acts in conflict with the provisions of this act, and declaring an emergency.

Enrolled act No. 178. An act to regulate the terms of the Circuit Courts in the First Judicial Circuit.

Enrolled Joint Resolution No. 10. A Joint Resolution instructing our Senators and requesting our Representatives in Congress to oppose by their influence and votes the passage of any bill that shall specially legalize coin contracts, until the United States shall redeem its Treasury notes in coin, and to oppose the enactment of any law which shall have the effect to reduce the present volume of the paper money in use among the people of the United States.

The following message from the Governor, by Capt. John M. Commons, his private Secretary, was then received :

EXECUTIVE DEPARTMENT, }
INDIANAPOLIS, IND. Feb. 24, 1869. }

MR. PRESIDENT :

I am directed by the Governor to respectfully inform the Senate that he has approved and signed

Enrolled act No. 133, entitled an act to amend sections one and three of an act entitled "An act to provide for the relocation of county seats, and for the erection of public buildings in counties in case of such relocation," approved March 2, 1855, and to amend section one of an act amendatory of said act, approved December 18, 1865, and to provide for the appointment of commissioners, and that the same has been deposited in the office of the Secretary of State.

JOHN M. COMMONS,
Private Secretary.

On motion by Mr. Church, the Senate adjourned.

THURSDAY MORNING, 9 o'clock, }
February 25, 1869. }

The Senate met.

Mr. Denbo moved that the reading of the Journal be dispensed with.

Which was agreed to.

Mr. Gifford moved that the Committee on Prisons have leave to sit during the session of the Senate.

Which was agreed to.

Mr. Case submitted the following report:

MR. PRESIDENT:

The Committee on County and Township Business, to whom was referred Senate bill No. 188, a bill providing for the sale of certain lands belonging to the State of Indiana, in Clay county, introduced by Senator Scott, having had the same under consideration have instructed me to report the same back to the Senate, and recommend its passage.

Which was concurred in.

Mr. Gifford, from the Committee on the Organization of Courts, made the following report:

MR. PRESIDENT:

The Committee on the Organization of Courts, to whom was referred Engrossed House bill No. 248, have had the same under consideration, and have instructed me to report it back to the Senate with a recommendation that it do pass.

Which report was concurred in.

Mr. Gifford, from a Special Committee on Medical Legislation, made the following report:

MR. PRESIDENT:

The Special Committee on Medical Legislation, to whom was referred S. J.—35.

ferred Senate bill No. 75, entitled "An act to protect the citizens of Indiana from empyricism, and elevate the standing of the medical profession," have had the same under consideration, and have amended the first section by the substitution of an entire new section to the bill for section one, as follows :

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana :* That it shall be unlawful for any person in this State to practice medicine or surgery, in any of its departments, until he has graduated in some school of medicine or has been admitted to membership by some State or county medical society, a majority of which must be graduates as aforesaid, or have been in the continuous practice of medicine and surgery for ten years before organizing any State or county society ; *Provided*, That whenever any person has been in the continuous practice of medicine for five years, he shall have two years to comply with the provisions of this act.

And when so amended, recommend the passage of the bill.

Which report was concurred in.

Mr. Hess, from Select Committee, submitted the following report :

MR. PRESIDENT :

The Special Committee, to whom was referred Senate bill No. 132, "An act to protect and elevate the medical profession, to promote the improvement of medical science and practice, and to protect the health and lives of the people of Indiana," have had the same under consideration, and direct me to report it back and recommend that it lie on the table, for the reason that the Committee have considered all the bills referred to it for its consideration, and have agreed with an amendment to report in favor of Senate bill No. 75, on the same subject.

Which report was concurred in.

Mr. Gifford offered the following report from the Committee on Fees and Salaries :

MR. PRESIDENT :

The Special Committee on Fees and Salaries, to whom was referred Senate bill No. 229, entitled "An act regulating the fees of County

Clerks, County Treasurers, and County Auditors, and repealing all former acts in relation thereto, and declaring an emergency," have had the same under consideration, and have directed me to report the bill back and recommend that it lie on the table, for the reason that the Committee have agreed to report in favor of Senate bill No. 217, on the same subject.

Which report was concurred in.

Mr. Lasselle, from the Committee of one from each Congressional District on Officers' Fees and Salaries, made the following report:

MR. PRESIDENT:

The Select Committee of one from each Congressional District on Officers' Fees and Salaries, to whom was referred Mr. Humphreys' Senate bill No. 176, have had the same under consideration, and have directed me to report that they deem the passage of the same inexpedient, and recommend that the same lie on the table.

Which report was concurred in.

Mr. Cravens moved that the regular order of business be suspended, and that House bill No. 248, "A bill fixing the time of holding Circuit Courts in the several counties comprising the Fourth Judicial Circuit of this State, and declaring an emergency," be taken up and read a second time.

Which was agreed to, and the bill was read a second time.

Mr. Caven, Chairman of the Committee on the Judiciary, submitted the following report:

MR. PRESIDENT:

The Judiciary Committee, to whom was referred Senate bill No. 61, introduced by Senator Hadley, entitled an act providing for amendments of pleadings and papers in all proceedings of the Courts of the State, report that they have had the same under consideration, and recommend the accompanying amendments, and upon the adoption thereof respectfully recommend the passage of said bill:

Amend section one by adding to the end thereof the following words: "Except affidavits for continuances."

Which report was concurred in.

Message from the House, by Mr. Merwin, Clerk thereof.

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed engrossed Senate bill No. 55, "a bill creating the Twenty-Second Judicial Circuit, and providing for the election of a Judge and Prosecuting Attorney, and providing compensation therefor, declaring the jurisdiction of said Court, and providing for the transferring of actions thereto," with the accompanying engrossed amendments of the House thereto, in which the concurrence of the Senate is respectfully requested.

Amend the title by striking out "22d" and inserting "24th."

Amend by striking out "22d" and inserting "24th" as the number of the Circuit.

Mr. Scott moved to take up the amendments proposed in the message.

Which was agreed to, and the amendments were concurred in.

Mr. Robinson, of Madison, submitted the following report from the Committee on the Judiciary:

MR. PRESIDENT:

The Judiciary Committee, to whom was referred Senate bill No. 135, introduced by Senator Howk, entitled a bill to amend the 2d section of an act entitled an act providing for the redemption of real property, or any interest therein, sold on execution or order of sale, and providing for the issuing of certificates of purchase in such cases, and for the execution of conveyances, and repealing all laws in conflict therewith, approved June 4th, 1861, and providing a speedy remedy for the recovery of such real property, in case of its non-redemption, report that they have had the same under consideration, and in obedience to instructions submit the accompanying bill as a substitute therefor:

An act to amend the 2d section of an act entitled an act providing for the redemption of real property, or any interest therein,

sold on execution or order of sale, and providing for the issuing of certificates of purchase in such cases, and for the execution of conveyances, and repealing all laws in conflict therewith, approved June 4th, 1861, and providing for the security of the purchaser of such real property in case the same shall not be redeemed under the provisions of this act.

Which report was concurred in, and the bill was read a first time.

Mr. Howk, from the Judiciary Committee, made the following report :

MR. PRESIDENT :

The Judiciary Committee, to whom was referred House bill No. 54, entitled A bill to amend section 531 of an act entitled An act to revise, simplify, and abridge the rules of practice, pleadings, and forms in civil cases in the courts of this State, and providing for the recording of recognizances and the compensation of officers therefor, report that they have had the same under consideration, and recommend the accompanying amendments, and upon the adoption thereof respectfully recommend the passage of said bill.

Which report was concurred in.

Mr. Scott, from the Committee on the Judiciary, made the following report :

MR. PRESIDENT :

The Judiciary Committee, to whom was referred House bill No. 66, entitled A bill defining a certain felony and misdemeanor, prescribing punishment therefor, and declaring an emergency, report that they have had the same under consideration, and as the subject matter is embraced in Senate bill No. —, respectfully recommend that House bill No. 66 lie on the table.

Which was concurred in.

Mr. Stein, from the Committee on the Judiciary, made the following report :

MR. PRESIDENT :

The Judiciary Committee, to whom was referred House bill No. 30, entitled A bill to amend section 9 of an act providing for the

election of Clerks of the Circuit Court, and prescribing some of their duties, report that they have had the same under consideration, and recommend the accompanying amendments :

1. Amend by striking out all of said bill after the word "act," in the third line of page 2, and including the word "office," in the seventh line of page 2 of said bill.

2. Amend the title by adding to the title the words "approved June 7th, 1862."

And upon the adoption thereof respectfully recommend the passage of said bill.

Mr. Scott, from the Committee on the Judiciary, made the following report :

MR. PRESIDENT :

The Judiciary Committee, to whom was referred House bill No. 94, entitled A bill to amend section 39 of an act entitled An act defining felonies and prescribing punishment therefor, report that they have had the same under consideration, and recommend the accompanying amendments, and upon the adoption thereof, respectfully recommend the passage of said bill :

Amend by striking out all of said bill after the words and figures "1852," in line 9, page 1, to and including the word "years," in line 9, page 2. And strike out all of said bill after the word "years," in line 9, page 3, to and including the word "section," in line 5, page 4 of said bill.

Which report was concurred in.

Mr. Caven, from the Committee on Claims, made the following report :

MR. PRESIDENT :

The Committee on Claims, to whom was referred the claim of Dr. H. H. Gillen for \$243.66, have had the same under consideration and report the same back to the Senate, and recommend that it be referred to the Committee on Finance and allowed.

The following message from the House, by Mr. Merwin, Clerk thereof, was then received :

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the House has passed the following Engrossed bill thereof.

House bill No. 225. A bill to provide for holding the Court of Common Pleas in the Counties of Laporte and Marshall, and to repeal the law now in force in relation thereto.

House bill No. 205. A bill to fix the time and length of term for holding the Circuit Court in the County of Marshal, and repealing all laws contravening the provisions of this act, and the same are hereby submitted for the consideration of the Senate.

Mr. Morgan, from a Select Committee on Medical Legislation, submitted the following report :

MR. PRESIDENT :

The Select Medical Committee, to whom was referred Senate bill No. 240, entitled an act to authorize the incorporation of Societies for the study and practice of Dentistry, defining their powers, and declaring an emergency, have had the same under consideration, and direct me to make the following report, viz :

To change the words one year in the 3d Section, 5th line, to three years, and recommend its passage.

Which report was concurred in.

Mr. Stein moved to suspend the order of business, in order to take up and read a second time Senate bill No. 227.

Which was agreed to, and the bill read a second time.

Mr. Stein moved the following amendment thereto :

SEC. 4. There being an emergency for the immediate taking effect of this act, the same shall be in force and take effect from and after its passage.

Which was adopted.

Mr. Beardsley moved that Senate bill No. 22, "An act to regulate interest on judgments and decrees," be taken from the table and placed upon the files.

Which was agreed to.

Mr. Robinson, of Decatur, introduced

Senate bill No. 290. An act creating the ——— Judicial Circuit, and fixing the times of holding Courts therein.

Which was read a first time, and referred to the Committee on the Organization of Courts.

Mr. Caven introduced

Senate bill No. 291. An act to amend section 8 of an act entitled an act to repeal all general laws now in force for the incorporation of cities, prescribing their powers and rights, and the manner in which they shall exercise the same, and to regulate such other matters as properly pertain thereto, approved March 14, 1867.

Which was read a first time and referred to the Committee on Corporations.

Mr. Denbo introduced

Senate bill No. 292. An act to transfer the County of Brown from the First to the Second Judicial Circuit, to provide for the time of holding Courts therein, and to repeal all laws in conflict with this act, and declaring an emergency.

Which was read a first time and referred to the Committee on the Organization of Courts.

Mr. Caven introduced

Senate bill No. 293. An act to amend the 35th section of an act entitled "An act defining felonies and prescribing punishment therefor," approved June 10, 1852.

Which was read a first time, and referred to the Committee on the Judiciary.

Mr. Lasselle introduced

Senate bill No. 294. To fix the time of holding courts in the counties of Carroll and Cass, in the 1st Judicial Circuit.

Which was read a first time, and passed to a second reading on to-morrow.

Mr. Lee moved that the rules be suspended, and House bill No. 248, "An act fixing the times of holding the Circuit Courts in the

several counties composing the 4th Judicial Circuit of this State, and declaring an emergency,' be read a third time, and put upon its passage.

The ayes and noes were taken under the Constitution.

Those who voted in the affirmative were,

Messrs. Beardsley, Bellamy, Bird, Bradley, Case, Caven, Church, Cravens, Denbo, Elliott, Fisher, Fosdick, Gray, Green, Hadley, Hanna, Henderson, Hess, Howk, Huey, Huffman, Hughes, Jaquess, Johnson of Spencer, Johnson of Montgomery, Kinley, Lasselle, Lee, Montgomery, Morgan, Rice, Robinson of Madison, Robinson of Decatur, Scott, Smith and Stein—36.

Mr. Sherrod voted in the negative.

So the rules were suspended and the bill was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Beardsley, Bellamy, Bird, Bradley, Case, Caven, Church, Cravens, Denbo, Elliott, Fisher, Fosdick, Gifford, Green, Hadley, Hamilton, Hanna, Hendeson, Hess, Hooper, Howk, Huey, Huffman, Hughes, Jaquess, Johnson of Spencer, Johnson of Montgomery, Kinley, Lasselle, Lee, Montgomery, Morgan, Rice, Robinson of Madison, Robinson of Decatur, Scott, Sherrod, Smith and Stein—38.

No Senator voting in the negative.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

Mr. Johnson of Montgomery moved that Senate bill No. 163 be taken up.

Mr. Gray moved to lay that motion upon the table.

The ayes and noes were demanded by Messrs. Johnson of Montgomery and Johnson of Spencer.

Those who voted in the affirmative were,

Messrs. Andrews, Beardsley, Bellamy, Bird, Case, Caven, Church, Cravens, Elliott, Fisher, Fosdick, Gray, Green, Hadley, Hamilton, Hess, Hooper, Howk, Hughes, Jaquess, Johnson of Spencer, Kinley, Lasselle, Morgan, Rice, Robinson of Madison, Robinson of Decatur, Scott and Stein—29.

Those who voted in the negative were,

Messrs. Bradley, Denbo, Gifford, Hanna, Henderson, Huey, Huffman, Johnson of Montgomery, Lee, Montgomery and Sherrod—11.

So the motion to lay upon the table was agreed to.

Mr. Gray from the Committee on Fees and Salaries, submitted the following report ;

MR. PRESIDENT :

The Committee on Fees and Salaries to whom was referred Senate bill No. 208, a bill to authorize Boards of County Commissioners to make allowances in certain cases, have had the same under consideration, and have instructed me to report the same back to the Senate, and respectfully recommend that the same be laid on the table.

Which report was concurred in.

Mr. Sherrod from the Select Committee, submitted the following report :

MR. PRESIDENT :

The Select Committee to whom was referred Senate bill No. 284, have had the same under consideration and have instructed me to report the same back, and respectfully ask its passage.

Which report was concurred in.

Mr. Bradley from the Select Committee, to whom was referred Senate Bill No. 279, made the following report :

MR. PRESIDENT :

The Select Committee to whom was referred Senate bill No. 279, entitled a bill to re-organize the Ninth Judicial Circuit, provid-

ing for the time of holding courts therein, repealing all laws in conflict therewith, and declaring an emergency, have had the same under consideration and have proposed two amendments thereto.

Amend 1st. Strike out St. Joseph, in sixth line, and insert "Marshall."

2d. Strike out "Marshall" in the eleventh line, and insert "St. Joseph," and upon the adoption of the same, respectfully recommend its passage.

Which report was concurred in.

Mr. Johnson, of Spencer, from the Committee on Rights and Privileges of the Inhabitants of the State, made following report:

MR. PRESIDENT:

The Committee on Rights and Privileges, to whom was referred Senate bill No. 249, entitled an act to provide and maintain fish ladders, was returned for the purposes of filling banks, have filled the same with the names of the following rivers: Wabash, Tippecanoe, Eal River, Mississinewa, East Fork of White River, West Fork of White River, St. Joseph and White Water Rivers, and would recommend said bill do pass.

Which report was concurred in.

Mr. Stein from the Committee on Education, submitted the following report:

MR. PRESIDENT:

The Committee on Education, to whom was referred Senate bill No. 235, introduced by Senator Hooper, to render taxation for common school purposes uniform, regardless of the persons to be taxed, and to extend the benefits of the common school system to colored children, have had the same under consideration, and a majority of said Committee have instructed me to report the same back, with the recommendation that it lie upon the table.

Which report was concurred in.

Mr. Kinley offered the following resolution:

Resolved, That when in Committee of the Whole Senate, for the consideration of Senate bill No. 197, no Senator shall speak for more than five minutes.

Which report was adopted.

Mr. Green moved that the sitting of the Committee be limited Which report was agreed to.

Mr. Hughes then moved to go into Committee of the Whole. Which was agreed to.

Mr. Cravens in the Chair.

Mr. Cravens, Chairman of the Committee of the Whole, made the following report:

MR. PRESIDENT:

The Committee of the Whole, for the consideration of Senate bill No. 197, report the same with the following amendments, and ask leave to be discharged from further consideration of the bill.

Amend the bill as follows:

Strike out all of section one, after the enacting clause, and insert the following:

That the Board of Trustees of the State University, shall have power to control, use and dispose of square No. twenty-five in the City of Indianapolis, known as University Square, either by selling the same, and applying the proceeds for the support and endowment of said State University, or by leasing the same in whole or in part for any term of time not less than fifty years, rent payable semi-annually, and secured by a lien on said property, as in their judgment shall seem best.

Strike out Sections 2 and 3, (Section 4 having already been stricken from the bill by the Senate.)

Strike out of Sections 5, 6, 7, 8, 9, 12, and 13, all relating to University Square and a Medical School.

Amend Section 10, by striking out of the first line of said, the words "Special Board," and inserting "Boards of Trustees."

Amend Section 11, by striking out "Special Board," where it occurs, and insert in lieu thereof the words "Board of Trustees."

Also, amend the third line of Section 11, by striking out the words "not exceeding ninety days," and inserting in lieu thereof, the words "within a reasonable time after the passage of this act."

Amend Section 14, by striking out the words "seventy-five" in the 5th line thereof, and inserting the word "eighty," also, strike out of the 6th and 7th line the words "in the same manner as the preceding appropriation for said Institution," and insert in lieu thereof the words "out of the State Treasury on the warrant of the Auditor of State."

Also, amend the 4th line thereof, by inserting after the word "heretofore," the words, "and that each county in the State, shall have the right of admission to said Normal School in proportion to its population."

The Committee report Section 15 without amendment.

Which report was concurred in.

On motion of Mr. Robinson of Madison, the Senate adjourned.

THURSDAY, 2 O'CLOCK P. M.

The Senate met.

Called to order by the President.

The following message from the Governor, by John M. Commons, his Private Secretary.

EXECUTIVE DEPARTMENT, }
INDIANAPOLIS, February 24, 1869. {

MR. PRESIDENT:

I am directed by the Governor to respectfully inform the Senate that he has approved and signed

Enrolled act No. 56, entitled "an act to amend sections 133 and 134 of an act entitled an act providing for the settlement of decedents' estates, prescribing the rights, liabilities and duties of officers connected with the management thereof, and the heirs thereto, and certain forms to be used in such settlements, approved June 17th, 1852.

Also enrolled act No. 138, entitled an act to amend the second section of an act entitled an act to amend the fourteenth and eighteenth sections of an act entitled an act to fix the times of holding the Common Pleas Courts in the several counties of this State, the duration of the terms thereof, and making all process from the present Common Pleas Courts returnable to such terms, and declaring when this act shall take effect, and repealing all laws inconsistent therewith, approved March 5th, 1859, approved May 11th, 1861, and declaring an emergency.

Also enrolled act No. 222, entitled an act to legalize certain defective and irregular tax assessments for the year 1868, in incorporated cities, and declaring an emergency.

Also enrolled act No. 256, entitled an act to fix the time of holding the Courts of Common Pleas in the Eleventh Judicial District, and repealing all other laws on the same subject.

Also enrolled act No. 259, entitled an act to authorize the Governor to issue a patent to Samuel Cooper for certain Michigan Road land in St. Joseph County.

Also enrolled act No. 268, entitled an act to amend the first section of an act to fix the times of holding the Courts of Common Pleas in the Fifth Judicial District, repealing all other laws on the same subject, and declaring when this act shall take effect, approved February 9th, 1867.

And that the same have been deposited in the office of the Secretary of State.

JOHN M. COMMONS,
Private Secretary.

Message from the House by Mr. Merwin, Clerk thereof.

MR. PRESIDENT:

I am directed by the Speaker of the House of Representatives to inform the Senate that the Speaker has signed House enrolled act No. 248, an act fixing the time of holding Circuit Courts in the several counties comprising the Fourth Judicial Circuit of this State, and declaring an emergency, and the same is herewith transmitted for the signature of the President of the Senate.

Message from the House by Mr. Merwin, Clerk thereof:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate, that the House has passed the following engrossed bill thereof, to-wit:

Engrossed House bill No. 90, "A bill creating the 25th Judicial Circuit, providing for the election of Judges and Prosecuting Attorneys thereof, providing compensation, &c."

Message from the House, by Mr. Merwin, Clerk thereof:

MR. PRESIDENT:

I am directed by the Speaker of the House of Representatives, to inform the Senate that the Speaker has signed Senate Enrolled Joint Resolutions numbered 7 and 12, and the same are herewith returned to the Senate.

And House bill No. 271, "A bill to provide for holding Courts in the County of Brown, in case of conflict with the Circuit Court of that county, and to repeal laws in conflict with this act, and declaring an emergency."

In which the concurrence of the Senate is respectfully requested.

The President ordered a call of the Senate.

The Secretary proceeded with the call, and the following Senators answered to their names:

Messrs. Beardsley, Bird, Bradley, Case, Caven, Church, Cravens, Denbo, Elliott, Fisher, Gifford, Gray, Green, Hadley, Hamilton, Hanna, Henderson, Hess, Hooper, Howk, Huey, Huffman, Jaquess, Johnson of Spencer, Johnson of Montgomery, Kinley, Lasselle, Lee, Montgomery, Morgan, Robinson, of Madison, Robinson of Decatur, Scott, Smith, and Turner—35.

There being a quorum present, further call was dispensed with.

Mr. Green moved to suspend the rules and take up Senate bill No. 270, "An act to provide for the payment of certain claims for

ditching swamp lands, out of the General Swamp Land Fund," and that it be read a second and third times, now.

The ayes and noes were taken under the Constitution.

Those who voted in the affirmative were,

Messrs. Andrews, Beardsley, Bird, Bradley, Case, Caven, Church, Cravens, Elliott, Gifford, Gray, Green, Hadley, Hamilton, Hanna, Henderson, Hess, Hooper, Howk, Huey, Huffman, Jaquess, Johnson of Spencer, Johnson of Montgomery, Kinley, Lasselle, Morgan, Rice, Robinson of Madison, Robinson of Decatur, Scott, Smith, Stein, and Turner—34.

Those who voted in the negative were,

Messrs. Denbo, Fisher, and Lee—3.

So the rules were suspended, and the bill was read a third time.

The question being, Shall the bill pass?

Those who voted in the affirmative were,

Messrs. Andrews, Bellamy, Bird, Bradley, Case, Caven, Church, Elliott, Gifford, Gray, Green, Hadley, Hamilton, Henderson, Hess, Hooper, Howk, Huey, Huffinan, Jaquess, Johnson of Spencer, Kinley, Lasselle, Lee, Morgan, Rice, Robinson of Madison, Robinson of Decatur, Scott, Sherrod, Smith, Stein, and Wood—33.

Those who voted in the negative were,

Messrs. Cravens, Denbo, Hanna, and Johnson of Montgomery—4.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

Mr. Bradley moved to take up Senate bill No. 279, "An act to re-organize the 9th Judicial Circuit, providing for the times of holding Courts therein, repealing all laws in conflict therewith, and declaring an emergency," and the amendments thereto.

Which was agreed to, and the amendments were adopted.

Mr. Bradley then moved that the rules be suspended, and the bill read a second and third times, now.

The ayes and noes were taken under the Constitution.

Those who voted in the affirmative were,

Messrs. Andrews, Beardsley, Bellamy, Bird, Bradley, Case, Caven, Church, Cravens, Denbo, Elliott, Fisher, Fosdick, Gifford, Gray, Green, Hadley, Hamilton, Hanna, Hess, Hooper, Howk, Huey, Huffman, Jaquess, Johnson of Spencer, Johnson of Montgomery, Kinley, Lasselle, Lee, Montgomery, Morgan, Rice, Robinson of Madison, Robinson of Decatur, Scott, Smith, Stein and Turner—39.

No Senator voted in the negative.

So the rules were suspended, and the bill was read a second and third times.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Andrews, Beardsley, Bellamy, Bird, Case, Caven, Church, Cravens, Denbo, Elliott, Fisher, Fosdick, Gifford, Gray, Green, Hadley, Hamilton, Hanna, Henderson, Hess, Hooper, Howk, Huey, Huffman, Jaquess, Johnson of Spencer, Johnson of Montgomery, Kinley, Lasselle, Lee, Montgomery, Morgan, Rice, Robinson of Madison, Robinson of Decatur, Scott, Smith, Stein and Turner—40.

No Senator voted in the negative.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

Mr. Hooper moved to take from the table Senate bill No. 235, entitled "An act to render taxation for common school purposes, uniform, regardless of the race or color of the persons to be taxed, and to extend the benefit of the common school system to colored children," and that it be read a second time.

Which was agreed to, and the bill was read a second time.

Mr. Fisher moved to strike out in 8th line of fourth section, the words "two-thirds," and insert the words "majority."

Mr. Turner moved to indefinitely postpone the bill and amendment.

The ayes and noes were demanded by Messrs. Turner and Johnson of Montgomery.

Those who voted in the affirmative were,

Messrs. Bird, Bradley, Denbo, Hanna, Henderson, Huey, Huffman, Johnson of Montgomery, Lee, Montgomery, Morgan, Sherrod, Smith and Turner—14.

Those who voted in the negative were,

Messrs. Andrews, Beardsley, Bellamy, Case, Caven, Church, Cravens, Elliott, Fisher, Fosdick, Gifford, Gray, Green, Hamilton, Hess, Hooper, Howk, Hughes, Jaquess, Johnson of Spencer, Kinley, Lasselle, Rice, Robinson of Madison, Robinson of Decatur, Scott and Stein—27.

So the motion to indefinitely postpone the bill did not prevail.

Mr. Rice moved to recommit the bill to the Committee on Education, with its pending amendments, with instructions to so amend the bill that an enumeration shall be made of all the children in the several townships in this State, white and black in separate lists, and providing further, that the Township Trustees shall provide for separate schools for the black or colored children, giving to them their proportionate share of the school fund.

Mr. Robinson of Madison, moved to lay the motion to recommit upon the table.

The ayes and noes were demanded by Messrs. Rice and Hughes.

Those who voted in the affirmative were,

Messrs. Andrews, Beardsley, Bellamy, Case, Church, Cravens, Fisher, Fosdick, Gifford, Green, Hadley, Hamilton, Hess, Hooper, Hughes, Kinley, Robinson of Madison, Robinson of Decatur, Scott and Stein—20.

Those who voted in the negative were, .

Messrs. Bird, Bradley, Caven, Denbo, Elliott, Hanna, Henderson, Hawk, Huey, Huffman, Jaquess, Johnson of Spencer, Johnson of Montgomery, Lasselle, Lee, Montgomery, Morgan, Rice, Smith and Wood—there being a tie vote the President voted in the negative.—21.

So the motion to lay the motion to recommit with instructions, on the table, did not prevail.

On motion of Mr. Johnson of Montgomery, the Senate adjourned.

FRIDAY MORNING, 9 o'clock, A. M., }
February 26, 1869. }

The Senate met.

On motion by Mr. Gifford,

The reading of the Journal was dispensed with.

Mr. Gifford moved that the Sub-committee on Prisons have leave to sit during the session of the Senate.

Whice was agreed to.

Mr. Robinson of Madison, moved that the order of business be dispensed with, and that Senate bills on third reading be taken up.

Pending which motion the President ordered a call of the Senate.

The Secretary proceeded with the call, the following Senators answering to their names :

Messrs. Andrews, Armstrong, Beardsley, Bellamy, Bird, Bradley, Case, Caven, Church, Cravens, Denbo, Elliott, Fisher, Fosdick, Gray, Green, Hadley, Hamilton, Hanna, Henderson, Hess, Hooper, Hawk, Huey, Huffman, Hughes, Jaquess, Johnson of Montgomery, Lasselle, Lee, Montgomery, Morgan, Rice, Robinson of Madison, Robinson of Decatur, Scott, Sherrod, Smith, Stein and Turner
—40.

There being a quorum present, further call was dispensed with.

Mr. Robinson of Madison, then renewed his motion to suspend the order of business and take up Senate bills on third reading.

Which was agreed to.

Mr. Stein, from the Committee on the Organization of Courts, Made the following report :

MR. PRESIDENT :

The Committee on the Organization of Courts, to whom was

referred Senate bill No. 290, "An act creating the ——— Judicial Circuit and fixing the times of holding court therein, presented by Senator Robinson, have had the same under consideration, and recommend the following amendments, viz.:

1. Fill all the blanks whenever they occur with the words "twenty-sixth."

2. Amend the title as follows: "And fixing the time of holding courts in the Fourth Judicial Circuit."

3. Add this section before the last section:

"SEC. 6. That the Courts in the Fourth Judicial Circuit shall be held as follows: In the county of Fayette on the third Monday of March and September, and shall continue two weeks if the business shall require. In the county of Rush on the second Monday of April and October, and continue three weeks if the business shall require. In the county of Shelby on the Mondays following the terms in the county of Rush, and shall continue five weeks if the business shall require. In the county of Decatur on the Mondays succeeding the terms in the county of Shelby, and shall continue as long as the business may require."

And when so amended they recommend the passage of the bill.

Which report was concurred in.

Mr. Denbo, from the Committee on the Organization of Courts, made the following report:

MR. PRESIDENT:

The Committee on the Organization of Courts, to whom was referred Senate bill No. 292, "An act to transfer the county of Brown from the First to the Second Judicial Circuit, to provide for the time of holding Court therein, and to repeal all laws in conflict therewith, and declaring an emergency," have had the same under consideration, and recommend its passage.

Which report was concurred in.

Engrossed Senate bill No. 105. An act to repeal an act entitled "An act to amend an act in relation to County Treasurers," approved June 4, 1852, and declaring an emergency, approved March 6, 1865.

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Andrews, Beardsley, Bellamy, Bird, Bradley, Case, Caven, Church, Craven, Denbo, Elliott, Fisher, Fosdick, Gray, Green, Hadley, Hamilton, Hess, Hooper, Howk, Huey, Huffman, Jaquess, Johnson of Montgomery, Lasselle, Lee, Morgan, Rice, Robinson of Madison, Robinson of Decatur, Scott, Smith, Stein and Wolcott—34.

Those who voted in the negative were,

Messrs Hanna and Sherrod—2.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

Engrossed Senate bill No. 95. An act to amend section 303 of "An act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in courts in this State, to abolish distinct forms of actions at law, and to provide for the administration of justice in a uniform mode of pleadings and practice without distinction between law and equity."

Was read a third time.

The question being, Shall the bill pass?

Those who voted in the affirmative were,

Messrs. Andrews, Beardsley, Bellamy, Bird, Bradley, Case, Church, Cravens, Denbo, Elliott, Fisher, Gray, Green, Hamilton, Hooper, Howk, Huey, Huffman, Hughes, Jaquess, Lasselle, Morgan, Rice, Robinson of Madison, Robinson of Decatur, Scott, Smith and Wolcott—28.

Those who voted in the negative were,

Messrs. Caven, Fosdick, Hadley, Hanna, Hess, Johnson of Montgomery, Montgomery, and Stein—8.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

Senate bill No. 110. An act to create the Twenty-fourth Judicial Circuit, providing for the appointment and election of Judge and Prosecuting Attorney therein, and for their compensation, declaring the jurisdiction of the courts in said circuit, and providing for a transfer of actions thereto.

Was read a third time.

Mr. Howk, by unanimous consent of the Senate, offered the following amendment:

Amend by inserting the following section:

Section —. Criminal Circuit Courts shall be organized and held in all counties in which there may be an incorporated city having a resident population of ten thousand inhabitants or more, without regard to the number of voters in such counties.

Also, amend the title and the body of the act by striking out the words "Twenty-fourth" where they occur, and insert in lieu thereof the words "Twenty-fifth."

Which amendments were adopted.

The question being, Shall the bill pass?

Those who voted in the affirmative were,

Messrs. Andrews, Beardsley, Bellamy, Bird, Bradley, Case, Caven, Church, Cravens, Denbo, Elliott, Fisher, Fosdick, Gray, Green, Hadley, Hamilton, Henderson, Hess, Hooper, Howk, Hucy, Huffman, Hughes, Jaquess, Lasselle, Montgomery, Morgan, Rice, Robinson of Madison, Robinson of Decatur, Scott, Sherrod, Smith, Stein, Turner, and Wolcott—38.

Senator Johnson, of Montgomery, voting in the negative.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

Engrossed Senate bill No. 43. A bill to facilitate making up the issues in civil actions.

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were :

Messrs. Bradley, Caven, Church, Cravens, Elliott, Fisher, Gifford, Howk, Huffinan, Jaquess, Kinley, Rice, Robinson of Decatur, Smith, Stein, and Wolcott—16.

Those who voted in the negative were,

Messrs. Andrews, Armstrong, Beardsley, Bellamy, Bird, Case, Denbo, Fosdick, Gray, Green, Hadley, Hamilton, Hanna, Henderson, Hess, Hooper, Huey, Hughes, Lasselle, Montgomery, Morgan, Robinson, of Madison, Scott, Sherrod, and Turner—25.

So the bill failed.

Mr. Bellamy moved that the Committee on Public Buildings have leave of absence from 10½ o'clock A. M. until 2 P. M. of to-day.

Which was not agreed to.

Senate bill No. 54. A bill to authorize and empower cities to establish public parks, and to acquire title to land for that purpose.

Was read a third time.

Mr. Cravens moved that the bill lie on the table.

Which was agreed to.

Engrossed Senate bill No. 90. A bill to amend the thirty-fourth sub-division of section fifty three of an act entitled "An act to repeal all general laws now in force for the incorporation of cities."

Was read a third time.

By unanimous consent of the Senate, Mr. Bradley offered the following amendments :

Strike out the following words in the first section, immediately after the word "dockage" when it first appears in said section, to-wit: "And to provide for the appointment of Harbor Master and Port Wardens," and insert the following: "On all public grounds belonging to such city."

Insert after the word "prescribed," in first section, the following, to-wit: "Provided, such navigable water harbor or basin shall have

been improved and used therefor, and for landing further up or beyond, and it is deemed necessary to protect the banks of said stream, basin, or harbor along any such lot, or part of lot, by sea walls or otherwise."

Insert at the end of the first section the following, to-wit: "And, Provided, That the owner of property affected shall have the same remedies by injunction and appeal that is now given by section seventy-one (71) of the said act hereby amended."

And provided, further, That four weeks' notice by publication in the corporation newspaper shall be given by the Common Council of their intention to pass such ordinance."

Which amendments were adopted.

The question being shall the bill pass?

Those who voted in the affirmative were,

Messrs. Andrews, Armstrong, Beardsley, Bellamy, Bird, Bradley, Case, Caven, Church, Fisher, Fosdick, Gifford, Gray, Green, Hadley, Hamilton, Hanna, Henderson, Hess, Hooper, Howk, Huey, Huffman, Hughes, Jaquess, Johnson of Spencer, Johnson of Montgomery, Kinley, Lasselle, Montgomery, Rice, Robinson of Madison, Robinson of Decatur, Sherrod, Stein, and Wolcott—36.

Those who voted in the negative were,

Messrs. Denbo and Morgan—2.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

Engrossed Senate bill No. 146. A bill to authorize turnpike companies to construct branch roads.

Was read a third time.

Mr. Bird moved to lay the bill on the table.

Which was not agreed to.

The question being shall the bill pass?

Those who voted in the affirmative were,

Messrs. Andrews, Beardsley, Bellamy, Bradley, Case, Church, Cravens, Elliott, Gifford, Gray, Green, Hadley, Hess, Hooper, Hawk, Huey, Jaquess, Johnson of Spencer, Johnson of Montgomery, Lee, Rice, Robinson of Madison, Robinson of Decatur, Scott, Stein, and Wolcott—26.

Those who voted in the negative were,

Messrs. Armstrong, Bird, Denbo, Fisher, Fosdick, Hamilton, Hanna, Henderson, Huffman, Hughes, Kinley, Lasselle, Montgomery, Morgan, Sherrod, Smith, and Turner—18.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

Message from the House, by Mr. Merwin, Clerk thereof.

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bills thereof, to-wit :

House bill No. 23. A bill to change the time of holding elections in this State, and to fill all vacancies in office occasioned by the provisions of this act, and declaring an emergency.

House bill No. 138. A bill declaratory of the common law, as to the duty of railroad companies, and other common carriers, in the transportation of freights, and to prevent exorbitant charges for such transportation, and providing a remedy, and making certain claims assignable.

Engrossed Senate bill No. 111. A bill to amend section sixteen of an act entitled "An act providing for the election or appointment of Supervisors of Highways, and prescribing certain of their duties, and those of county and township officers in relation thereto," approved March 5th, 1869.

Was read a third time.

Mr. Hadley moved that the bill be indefinitely postponed.

Which was agreed to.

Engrossed Senate bill No. 83. "An act to amend Section two of an act entitled an act making the register of the sales of Michigan road lands and certified copies thereof, evidence."

Was read a third time.

By unanimous consent of the Senate, Mr. Bradley offered the following amendment:

In the 19th line of section 1, after the word "or," add the words "his or."

Which was adopted.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Andrews, Armstrong, Beardsley, Bellamy, Bradley, Case, Caven, Church, Cravens, Elliott, Fosdick, Gifford, Gray, Hadley, Hanna, Henderson, Hess, Hooper, Howk, Huey, Huffman, Hughes, Jaquess, Johnson of Montgomery, Kinley, Montgomery, Robinson of Madison, Robinson of Decatur, Scott, Sherrod, Smith, Stein and Wolcott—33.

Those who voted in the negative were,

Messrs. Bird, Green, Hamilton, Lasselle and Morgan—5.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

Engrossed Senate bill No. 8. An act to prevent prize fighting in the State of Indiana, defining the same, providing punishment therefor, and declaring an emergency.

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Andrews, Armstrong, Beardsley, Bellamy, Bird, Bradley, Case, Caven, Church, Cravens, Denbo, Elliott, Fosdick, Gifford, Gray, Green, Hadley, Hamilton, Henderson, Hess, Hooper, Howk, Huey, Huffman, Jaquess, Johnson of Spencer, Johnson of Montgomery

Kinley, Lasselle, Lee, Montgomery, Morgan, Rice, Robinson of Madison, Robinson of Decatur, Scott, Sherrod, Smith, Stein, Turner and Wolcott—41.

No Senator voting in the negative.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

Engrossed Senate bill No. 70. A bill to amend an act entitled an act authorizing the construction of plank, macadamized and gravel roads, approved May 12, 1852

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Bradley, Case, Caven, Church, Elliott, Gray, Green, Hess, Hooper, Jaquess, Johnson of Spencer, Kinley, Robinson of Madison, Scott, Stein and Wolcott—16.

Those who voted in the negative were,

Messrs. Andrews, Armstrong, Beardsley, Bird, Cravens, Denbo, Fisher, Gifford, Hadley, Hamilton, Hanna, Henderson, Huey, Huffman, Hughes, Johnson of Montgomery, Lasselle, Lee, Morgan, Rice, Robinson of Decatur, Smith and Turner—23.

So the bill failed.

Engrossed Senate bill No. 131. An act to legalize and declare valid and effectual, all the orders, judgments, and proceedings made, rendered and had, and held by and before the Court of Common Pleas of White County, in this State, beginning and held at the Court House in the town of Monticello, in said County, on the 23d day of March, 1868, and continuing from day to day for two weeks thereafter, and declaring an emergency.

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Armstrong, Beardsley, Bradley, Case, Church, Cravens,

Denbo, Elliott, Fisher, Gifford, Gray, Green, Hadley, Hamilton, Hanna, Henderson, Hess, Hooper, Howk, Huey, Hurlin, Hughes, Jaquess, Johnson of Spencer, Johnson of Montgomery, Kinley, Lasselle, Lee, Morgan, Rice, Robinson of Madison, Robinson of Decatur, Scott, Smith, Stein, Turner and Walcott—37.

Those who voted in the negative were,

Messrs. Andrews and Bird—2.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

Senate bill No. 84 An act to repeal Section 31 of an act entitled "An act concerning real property, and the alienation thereof," approved May 6th, 1852.

Was read a third time.

The question being, shall the bill pass ?

Those who voted in the affirmative were,

Messrs. Andrews, Armstrong, Beardsley Bird Bradley, Case, Church, Cravens, Denbo, Elliott, Fisher, Gifford, Gray, Green, Hadley, Hamilton, Hanna, Henderson, Hess, Hooper, Howk, Huey, Huffman, Hughes, Jaquess, Johnson of Spencer, Johnson of Montgomery, Kinley, Lee, Morgan, Rice, Robinson of Madison. Robinson, of Decatur, Scott, Smith, Stein and Wolcott—36.

No Senator voting in the negative.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

Message from the House, by Mr. Merwin, clerk thereof.

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate, that the House has passed the following Engrossed bill thereof, to-wit :

House bill No. 132, "A bill to enable cities to aid in the construction of railroads and water powers, and declaring an emergency," in which the concurrence of the Senate is respectfully requested.

Senate bill No. 197, with the amendments reported by the Committee of the Whole, was then taken up.

The question being upon the adoption of the first amendment, reported by the Committee.

Mr. Hanna offered the following amendment to the first amendment:

"Providing that if said property is sold, the proceeds of said sale shall remain a perpetual fund, and shall at no time be diminished."

Mr. Robinson of Decatur, moved the previous question, which was seconded by the Senate.

The question recurring upon the first amendment, as amended by Mr. Hanna.

The ayes and noes were demanded by Messrs. Stein and Hughes.

Those who voted in the affirmative were,

Messrs. Armstrong, Bird, Case, Fisher, Gifford, Gray, Green, Hadley, Hanna, Henderson, Hooper, Huey, Huffman, Jaquess, Johnson of Spencer, Johnson of Montgomery, Lasselle, Lee, Rice, Robinson of Madison and Wolcott—21.

Those who voted in the negative were,

Messrs. Andrews, Beardsley, Bradley, Caven, Cravens, Hamilton, Hess, Howk, Hughes, Kinley, Morgan, Robinson of Decatur, Scott, Smith, Stein and Turner—16.

So the amendment to the amendment reported by the Committee, was concurred in.

The 2d, 3d, 4th, 5th, 6th, 7th, and 8th amendments, were adopted.

The amendment to strike out section 9, was adopted.

The amendments to the 10th and 11th sections, were adopted.

The amendment to strike out section 12, was adopted.

The amendment to strike out section 13, was adopted.

The question being on the adoption of the amendment to section 14.

The ayes and noes were demanded by Messrs. Hanna, and Johnson of Montgomery.

Those who voted in the affirmative were,

Messrs. Armstrong, Beardsley, Bird, Bradley, Case, Caven, Church, Cravens, Fisher, Gray, Hamilton, Hooper, Howk, Hughes, Jaquess, Johnson of Spencer, Kinley, Lasselle, Lee, Morgan, Rice, Robinson of Madison, Scott, Stein, Turner, and Wolcott—26.

Those who voted in the negative were,

Messrs. Andrews, Denbo, Gifford, Green, Hadley, Hanna, Henderson, Hess, Huey, Huffinan, Johnson of Montgomery, Robinson of Decatur, and Smith—13.

So the 14th amendment was adopted.

Mr Hanna moved to strike out all after the enacting clause, and substitute the following bill:

SECTION 1. That an Agricultural College be located and established at the town of Bloomington, Monroe county, in connection with the Indiana State University, and under the control of the Trustees thereof, and that the fund arising from the donation of lands by Congress for the establishment of such College, be considered, and is hereby declared an endowment fund for such chairs as may be necessary for the development of Agriculture and the Sciences involved therein, and hereafter established by the Trustees of said University.

SEC. 2. That all the right and title which may be now possessed or vested in the State of Indiana or the Legislature thereof, to square number twenty-five, commonly known as University square, in the City of Indianapolis, be and the same is hereby transferred to and vested in the Trustees of the Indiana State University (now located at Bloomington), with power to lease the same or any part thereof for any term of time not exceeding ninety-

nine years, or to sell the same altogether or in parcels as to them shall seem best.

SEC. 3. If the said Trustees determine to sell said square as a whole, they shall first offer the same to the City of Indianapolis, and if not taken by said city at its fair and reasonable value, then the same may be sold as a whole to other parties, or divided into lots and sold. If sold as a whole or in parcels, the same may be sold for not less than one-fourth cash in hand and upon a credit of ten years for the balance at the rate of seven per cent interest payable annually in advance, and to be secured by notes and mortgage upon the property so sold; which notes and mortgages shall be taken in the name of, and payable to said Trustees of Indiana University, and deeds therefor shall be executed by said Trustees.

SEC. 4. That the money arising from the sale of said square, and the securities taken therefor shall remain a perpetual fund for the use of said State University, and shall never be diminished; but that the interest arising therefrom or from the lease of said square or any part thereof, if the same is leased, shall be for the use of said Trustees for the advancement of education by the endowment of such chairs as the said Trustees may determine to establish or maintain in said University.

SEC. 5. After the expiration of the year 1870, that portion of the act of 1867, appropriating eight thousand dollars per annum to said State University, shall be in operative, and the same to be no longer paid, but the laws authorizing the payment thereof shall be repealed from and after that time.

Mr. Hughes offered the following proviso at the end of Section Third.

Insert at the end of section 3, "provided that the proposition of Messrs. Henderson and Bradley, made to this General Assembly, for the purchase of said square No. 25, be and the same is hereby accepted at the price of one hundred thousand dollars instead of eighty thousand, but in all other respects to conform to said offer, and upon said Henderson and Bradley accepting proper and approved security, to the satisfaction of the Governor, for the performance on their part of said proposition, the Governor shall com-

plete said sale according to the terms of said proposition, at said price of one hundred thousand dollars: *And provided further*, That in any event, no reclamation shall be made by said Henderson and Bradley, or either of them, upon the State for improvements on said square No. 25, nor for costs of litigation in perfect title thereto, or obtaining possession thereto.

On motion of Mr. Fisher, the Senate adjourned.

FRIDAY, 2 O'CLOCK P. M.

The Senate met.

A message from the House by Mr. Merwin, clerk thereof.

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bill thereof, to-wit:

House bill No. 73. A bill to amend section 15 of an act entitled "An act regulating the fees of officers, and repealing former acts in relation thereto," approved March 2, 1855.

In which the concurrence of the Senate is respectfully requested.

Mr. Fisher asked and obtained leave of absence for Mr. Wolcott for this afternoon.

Senate bill No. 197, with pending substitute, was then taken up.

Mr. Hughes' amendment to the substitute was accepted by Mr. Hanna.

Mr. Green offered the following amendment to the substitute:

Provided, That in the opinion of the Governor, this offer is a fair value for the property; if not, then at such price as he may deem a reasonable price therefor.

Mr. Stein moved that the substitute offered by Mr. Hanna, and the pending amendments be laid upon the table.

S J.—37

The ayes and noes were demanded by Messrs. Stein and Bradley.

Those who voted in the affirmative were,

Messrs. Armstrong, Beardsley, Bellamy, Bradley, Case, Caven, Fosdick, Hadley, Hamilton, Hooper, Howk, Hughes, Jaquess, Kinley, Lasselle, Rice, Robinson of Madison, Robinson of Decatur, Scott, Stein Turner and Wood—22.

Those who voted in the negative were,

Messrs. Bird, Cravens, Fisher, Green, Hanna, Henderson, Huey, Huffinan, Johnson of Spencer, Johnson of Montgomery, Morgan and Smith—14.

So the substitute and pending amendments were laid on the table.

Mr. Kinley moved to reconsider the vote to lay the substitute upon table.

The ayes and noes were demanded by Messrs. Bradley and Johnson of Montgomery.

Those who voted in the affirmative were,

Messrs. Armstrong, Beardsley, Bradley, Case, Caven, Church, Green, Hadley, Hamilton, Hooper, Howk, Hughes, Jaquess, Lasselle, Rice, Robinson of Madison, Robinson of Decatur, Scott, Sherrod, Stein, Turner and Wood—22.

Those who voted in the negative were,

Messrs. Bellamy, Bird, Cravens, Denbo, Fisher, Gifford, Gray, Hanna, Henderson, Hess, Huey, Huffman, Johnson of Spencer, Johnson of Montgomery, Kinley, Montgomery, Morgan and Smith—18.

So the motion was agreed to.

Mr. Hanna moved to indefinitely postpone Senate bill No. 197, with pending amendments.

The ayes and and noes were demanded by Messrs. Hanna and Bradley.

Those who voted in the affirmative were,

Messrs. Bird, Denbo, Gray, Green, Hadley, Hanna, Henderson, Hess, Huey, Huffinan, Johnson of Spencer, Johnson of Montgomery, Robinson of Decatur, Smith and Wood—15.

Those who voted in the negative were,

Messrs. Armstrong, Beardsley, Bellamy, Bradley, Case, Caven, Church, Cravens, Fisher, Fosdick, Gifford, Hamilton, Hooper, Howk, Hughes, Jaquess, Kinley, Lasselle, Montgomery, Morgan, Rice, Robinson of Madison, Scott, Sherrod, Stein and Taggart—26.

So the motion did not prevail.

Mr. Hadley moved to strike out sections 16 and 17 of the bill.

Mr. Fisher offered the following substitute for section 16 :

The donation tendered to the State by the Board of County Commissioners of Monroe County, is hereby accepted by the State, for the use and benefit of the Agricultural College, and said College is hereby located at Bloomington, in connection with the State University.

A division of the question having been demanded, the question recurred upon striking out section 16.

The ayes and noes were demanded by Messrs. Fisher and Hughes.

Those who voted in the affirmative were,

Messrs. Bellamy, Bird, Caven, Cravens, Fisher, Fosdick, Gifford, Gray, Green, Hadley, Hanna, Henderson, Hess, Hooper, Huey, Huffinan, Jaquess, Johnson of Spencer, Johnson of Montgomery, Kinley, Lasselle, Morgan, Rice and Robinson of Decatur—24.

Those who voted in the negative were,

Messrs. Armstrong, Beardsley, Bradley, Case, Church, Denbo, Hamilton, Howk, Hughes, Montgomery, Robinson of Madison, Scott, Sherrod, Smith, Stein, Turner and Wood—17.

So the section was stricken out.

The question then recurred upon the substitute offered by Mr. Fisher.

The ayes and noes were demanded by Messrs. Hadley and Hooper.

Those who voted in the affirmative were,

Messrs. Armstrong, Beardsley, Bellamy, Bird, Church, Cravens, Fisher, Fosdick, Gifford, Hooper, Howk, Hughes, Lasselle, Morgan, Rice and Stein—16.

Those who voted in the negative were,

Messrs. Bradley, Case, Carson, Denbo, Gray, Green, Hadley, Hamilton, Hanna, Henderson, Hess, Huey, Huffman, Jaquess, Johnson of Spencer, Johnson of Montgomery, Montgomery, Robinson of Madison, Robinson of Decatur, Scott, Sherrod, Smith, Turner and Wood—25.

So the amendment was not adopted.

SPECIAL ORDER.

The special order for the hour, to reconsider the resolutions censuring the Lieutenant-Governor, then coming up,

Mr. Scott moved the previous question.

Mr. Hughes moved to lay the motion to reconsider the vote of censure, upon the table.

Mr. Gray moved a call of the Senate.

The Secretary proceeded with the call.

The following Senators answered to their names.

Messrs. Armstrong, Beardsley, Bellamy, Bird, Bradley, Case, Caven, Church, Cravens, Denbo, Fisher, Fosdick, Gifford, Gray, Green, Hadley, Hamilton, Hanna, Henderson, Hess, Hooper, Howk, Huey, Huffman, Hughes, Jaquess, Johnson of Spencer, Johnson of Montgomery, Kinley, Lasselle, Montgomery, Morgan, Rice, Robinson of Madison, Robinson of Decatur, Scott, Sherrod, Smith, Stein and Turner—40.

Mr. Fisher moved that further proceedings under the call be dispensed with.

The ayes and noes were demanded by Messrs. Robinson of Madison, and Johnson of Spencer.

Those who voted in the affirmative were,

Messrs. Bird, Bradley, Caven, Cravens, Fisher, Fosdick, Green, Hanna, Henderson, Hess, Hooper, Howk, Huey, Huffman, Hughes, Johnson of Montgomery, Lasselle, Montgomery, Morgan, Stein and Wood—21.

Those who voted in the negative were,

Messrs. Armstrong, Beardsley, Bellamy, Case, Church, Denbo, Gifford, Gray, Hadley, Hamilton, Jaquess, Johnson of Spencer, Kinley, Rice, Robinson of Madison, Robinson of Decatur, Scott, Sherrod, Smith and Turner—20.

So the motion prevailed, and further proceedings under the call were dispensed with.

The question recurring upon the motion to lay the motion to reconsider upon the table,

The ayes and noes were demanded by Messrs. Hughes and Johnson of Montgomery.

Those who voted in the affirmative were,

Messrs. Beardsley, Bird, Bradley, Cravens, Denbo, Fisher, Fosdick, Hanna, Henderson, Hooper, Howk, Huey, Hughes, Johnson of Montgomery, Kinley Montgomery, Morgan, Stein and Turner—19.

Those who voted in the negative were,

Messrs. Armstrong, Bellamy, Case, Caven, Church, Gifford, Gray, Green, Hadley, Hamilton, Hess, Huffman, Jaquess, Johnson of Spencer, Lasselle, Rice, Robinson of Madison, Robinson of Decatur, Scott, Sherrod and Smith—22.

So the motion failed.

Mr. Scott's motion for the previous question was then seconded by the Senate.

The question then recurring upon the motion to reconsider the vote of censure,

The ayes and noes were demanded by Messrs. Church and Hooper.

Those who voted in the affirmative were,

Messrs. Armstrong, Bellamy, Case, Caven, Church, Gifford, Gray, Green, Hadley, Hamilton, Hess, Huffinan, Jaquess, Johnson of Spencer, Rice, Robinson of Madison, Robinson of Decatur, Scott, and Wood—20.

Those who voted in the negative were,

Messrs. Beardsley, Bird, Bradley, Cravens, Denbo, Fisher, Fossdick, Hanna, Henderson, Hooper, Howk, Huey, Hughes, Johnson of Montgomery, Kinley, Lasselle, Montgomery, Morgan, Sherrod, Stein and Turner—21.

So the motion to reconsider was not agreed to.

Mr. Johnson asked and obtained leave of absence for Mr. Huffman.

Message from the House, by Mr. Merwin, Clerk thereof.

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the House has passed the following Engrossed Bill thereof, to-wit :

House bill No. 40. A bill to enable County Commissioners to demand, sue for, and receive any bounty fund which may have been raised by the citizens of any county in the State, and which remain unexpended or not accounted for, and declaring an emergency.

House bill No. 105. A bill to regulate and make uniform the prices charged by railroad companies for transferring goods, merchandise, and material to and from stations on railroads in this

State, and to require each Railroad Company to carry passengers on freight trains, and providing penalties for its violation.

House bill No. 124. A bill supplemental to an act to provide for the confinement of persons insane and dangerous when suffered to run at large, and for the compensation of him to whom the custody of insane persons is committed, approved February 21, 1855, and to provide for the recovery of moneys expended by one county in the arrest, safe keeping, clothing and treatment of an insane person, where legal settlement is in another county.

House bill No. 135. A bill to provide for the disposition of moneys in the State Treasury to the credit of estates without heirs, and declaring them escheated to the State in twenty years.

All of which is respectfully submitted.

Mr. Scott moved to reconsider the vote by which the Senate refused to locate the Agricultural College at Bloomington.

Mr. Robinson, of Madison, moved to lay that motion on the table.

The ayes and noes were demanded by Messrs. Robinson of Madison and Church.

Those who voted in the affirmative were,

Messrs. Bradley, Case, Church, Denbo, Gray, Green, Hadley, Hamilton, Hess, Huey, Jaquess, Johnson of Spencer, Johnson of Montgomery, Kinley, Montgomery, Robinson of Madison, Robinson of Decatur, Stein, Turner and Wood—20.

Those who voted in the negative were,

Messrs. Armstrong, Beardsley, Bellamy, Bird, Caven, Cravens, Fisher, Fosdick, Gifford, Hanna, Henderson, Hooper, Hughes, Lassel, Morgan, Rice, Scott and Smith—18.

Mr. Hadley, by consent of the Senate, made a statement of the offer of Putnam County, to secure the location of the Agricultural College at Greencastle.

Mr. Jaquess offered the following amendment to section 16 :

Be it enacted, That the Agricultural College Fund be and the same

is hereby given to the Asbury University at Greencastle. Conditioned as follows :

That said University establish an Agricultural College in connection with said University, and, provided further, that the State never be called on for any appropriation for the support of said Institution or Agricultural College, when so located.

Mr. Johnson, of Montgomery, moved to lay the amendment upon the table.

The ayes and noes were demanded by Messrs. Gray and Rice.

Those who voted in the affirmative were,

Messrs. Andrews, Armstrong, Beardsley, Bird, Bradley, Case, Caven, Cravens, Denbo, Fisher, Fosdick, Gifford, Green, Henderson, Hess, Hooper, Hawk, Huey, Huffman, Hughes, Johnson of Montgomery, Kinley, Lasselle, Montgomery, Morgan, Robinson of Decatur, Sherrod, Smith, Stein and Turner—30.

Those who voted in the negative were,

Messrs. Bellamy, Church, Elliott, Gray, Hadley Hamilton, Hanna, Jaquess, Johnson of Spencer, Rice, Robinson of Madison and Scott—13.

So the motion prevailed, and the amendment was laid upon the table.

Mr. Hadley offered the following substitute to section 16:

The donation tendered to the State by the Board of Commissioners of Hancock County, is hereby accepted by the State for the use and benefit of said Agricultural College, and, in consideration of the same, the faith of the State is hereby pledged that the said College shall be located at Greenfield, in said County, or as near thereto, as suitable grounds can be procured.

Ma. Hooper moved to lay the substitute upon the table.

The ayes and noes were demanded by Messrs. Hooper and Robinson of Madison.

Those who voted in the affirmative were,

Messrs. Andrews, Armstrong, Beardsley, Bird, Bradley, Case,

Caven, Church, Cravens, Denbo, Elliott, Fisher, Fosdick, Gray, Green, Hamilton, Hanna, Henderson, Hooper, Howk, Huey, Huffman, Hughes, Johnson of Montgomery, Lasselle, Montgomery, Morgan, Rice, Robinson of Decatur, Smith, Stein, Turner and Wood—33.

Those who voted in the negative were,

Messrs. Bellamy, Gifford, Hadley, Hess, Jaquess, Johnson of Spencer, Kinley, Robinson of Madison, Scott and Sherrod—10.

So the motion prevailed, and the amendment was laid upon the table.

Mr. Hughes moved to lay the bill and pending amendments upon the table.

The ayes and noes were demanded by Messrs. Hughes and Sherrod.

Those who voted in the affirmative were,

Messrs. Andrews, Beardsley, Bellamy, Bird, Caven, Denbo, Fisher, Gray, Green, Hadley, Henderson, Howk, Huey, Huffman, Hughes, Johnson of Montgomery, Lasselle, Montgomery, Smith, Stein and Turner—21.

Those who voted in the negative were,

Messrs. Armstrong, Bradley, Case, Church, Cravens, Elliott, Fosdick, Gifford, Hamilton, Hanna, Hess, Hooper, Jaquess, Johnson of Spencer, Kinley, Morgan, Rice, Robinson of Madison, Robinson of Decatur, Scott, Sherrod and Wood—22.

So the motion was lost.

Message from the House, by Mr. Merwin, clerk thereof.

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bill thereof, to-wit:

House bill No. 60. A bill for the incorporation and continuance of Life Insurance Companies, authorizing them to re-insure their

risks, exempting certain policies of life insurance from attachment by creditors, making all policies non-forfeitable after two full annual payments, repealing all laws and parts of laws inconsistent therewith, and declaring an emergency.

Mr. Hanna offered the following substitute for section sixteen :

Section 16. That the fund arising from the donation of lands by Congress for the instalment of an Agricultural College, and the interest arising therefrom, are for the present hereby placed under the control of the Board of Trustees of the Indiana State University ; and it is made their duty, so long as they control said fund in the State University, to establish a Department of Agriculture, in which minerology, chemistry, and such other branches and sciences connected with agriculture contemplated by said act of Congress shall be taught, which department shall be sustained by the interest arising from said fund. *Provided*, that the Board of Commissioners of the county of Monroe shall secure to the satisfaction of said Board of Trustees the sum of fifty thousand dollars, by their offer in behalf of said county for the establishment of said institution at Bloomington ; and provided further, that the sum of \$8,000 per annum heretofore, by act of 1867, donated to said University, shall not be paid by the State authorities after the year 1871, but the law making such appropriation shall from that time cease to have validity.

Mr. Gray moved to lay the substitute upon the table.

Mr. Turner moved a call of the Senate.

The Secretary proceeded with the call.

The following Senators answered to their names :

Messrs. Andrews, Armstrong, Beardsley, Bellamy, Bird, Bradley, Case, Caven, Church, Cravens, Denbo, Elliott, Fisher, Fosdick, Gifford, Gray, Green, Hadley, Hamilton, Hanna, Henderson, Hess, Hooper, Howk, Huey, Huffman Jaquess, Johnson of Spencer, Johnson of Montgomery, Kinley, Lasselle, Montgomery, Morgan, Rice, Robinson of Madison, Robinson of Decatur, Scott, Sherrod, Stein, Turner, and Wood—41.

Mr. Hooper moved that further proceedings under the call of the Senate be dispensed with.

The ayes and noes were demanded by Messrs. Gray and Hooper.

Those who voted in the affirmative were,

Messrs. Andrews, Armstrong, Beardsley, Caven, Church, Cravens, Elliott, Fisher, Fosdick, Gifford, Green, Hamilton, Hanna, Hooper, Howk, Huey, Huffman, Johnson of Spencer, Johnson of Montgomery, Kinley, Lasselle, Montgomery, Robinson of Madison, Scott, and Wood—25.

Those who voted in the negative were,

Messrs. Bellamy, Bird, Bradley, Case, Denbo, Gray, Hadley, Henderson, Hess, Jaquess, Morgan, Rice, Robinson of Decatur, Smith, Stein and Turner—16.

So the motion prevailed, and further call of the Senate was dispensed with.

The question recurring upon Mr. Gray's motion to lay the substitute on the table.

The ayes and noes were demanded by Messrs. Gray and Hanna.

Those who voted in the affirmative were,

Messrs. Andrews, Bradley, Case, Caven, Elliott, Gray, Green, Hadley, Hamilton, Henderson, Hess, Jaquess, Kinley, Robinson of Madison, Robinson of Decatur, Stein, Turner, and Wood—18.

Those who voted in the negative were,

Messrs. Armstrong, Beardsley, Bellamy, Bird, Church, Cravens, Denbo, Fisher, Fosdick, Gifford, Hanna, Hooper, Howk, Huey, Huffman, Johnson of Spencer, Johnson of Montgomery, Lasselle, Montgomery, Morgan, Rice, Scott, and Smith—23.

So the motion to lay the substitute upon the table was lost.

Mr. Jaquess moved that the further consideration of Senate bill No. 197 and pending amendments be postponed until Monday next, at 2 o'clock P. M.

The ayes and noes were demanded by Messrs. Stein and Jaquess.

Those who voted in the affirmative were,

Messrs. Andrews, Bellamy, Bradley, Case, Caven, Gray, Hadley, Hamilton, Hess, Jaquess, Johnson of Spencer, Kinley, Robinson of Madison, Stein, and Wood—15.

Those who voted in the negative were,

Messrs. Armstrong, Beardsley, Bird, Church, Cravens, Denbo, Elliott, Fisher, Fosdick, Gifford, Green, Hanna, Henderson, Hooper, Hawk, Huey, Johnson of Montgomery, Lasselle, Montgomery, Morgan, Rice, Robinson of Decatur, Scott, and Smith—24.

So the motion was lost.

Mr. Hanna moved the previous question.

Which was seconded by the Senate.

The question recurring upon Mr. Hanna's substitute,

The yeas and noes were demanded by Messrs. Hanna and Hooper.

Those who voted in the affirmative were,

Messrs. Andrews, Armstrong, Beardsley, Bird, Cravens, Denbo, Fisher, Fosdick, Gifford, Hanna, Henderson, Hooper, Hawk, Huey, Huffman, Johnson of Spencer, Johnson of Montgomery, Lasselle, Montgomery, Rice, Scott, and Smith—22.

Those who voted in the negative were,

Messrs. Bellamy, Bradley, Case, Caven, Church, Elliott, Gray, Green, Hadley, Hamilton, Hess, Jaquess, Kinley, Morgan, Robinson of Madison, Robinson of Decatur, Stein, Turner, and Wood—19.

So the substitute for section sixteen was adopted.

The question then recurred upon Mr. Hadley's motion to strike out section seventeen.

Which was agreed to.

Mr. Johnson, of Montgomery, moved to amend section fourteen by striking out "\$80,000," and inserting "\$35,000."

Mr. Gray moved to lay the motion upon the table.

The ayes and noes were demanded by Messrs. Huey and Johnson, of Montgomery.

Those who voted in the affirmative were,

Messrs. Armstrong, Beardsley, Bellamy, Bird, Bradley, Case, Caven, Church, Cravens, Elliott, Fisher, Fosdick, Gray, Hadley, Hamilton, Hooper, Hawk, Jaquess, Johnson of Spencer, Kinley, Lasselle, Montgomery, Morgan, Rice, Robinson of Madison, Robinson of Decatur, Scott and Stein—23.

Those who voted in the negative were,

Messrs. Andrews, Denbo, Gifford, Green, Hanna, Henderson, Hess, Huey, Johnson of Montgomery and Smith—10.

So the motion to lay the amendment on the table was agreed to.

On motion of Mr. Fisher, the bill was ordered to be engrossed.

Mr. Elliott asked leave to record his vote upon the motion to reconsider the vote of censure upon the Lieutenant Governor.

The President decided that it would be out of order to record Mr. Elliott's vote.

The following message from the Governor, was received by John M. Commons, his Private Secretary :

EXECUTIVE DEPARTMENT, }
INDIANAPOLIS, February 26, 1869. }

MR. PRESIDENT :

I am directed by the Governor to respectfully inform the Senate, that he has approved and signed Enrolled act No. 119, entitled " An act to fix the times of holding the Courts of Common Pleas in the various counties, composing the Fourth Common Pleas Judicial District, providing for the return of process, repealing all acts in conflict with the provisions of this act, and declaring an emergency."

Also, Enrolled act No. 178, entitled " An act to regulate the terms of Circuit Courts in the First Judicial Circuit."

And that the same have been deposited in the office of the Secretary of State.

JOHN M. COMMONS,

Private Secretary.

Mr. Rice offered the following resolution :

Resolved, That when the Senate adjourns, it adjourn to meet to-morrow at 10 A. M.

Mr. Hanna offered the following as an amendment :

Resolved, That when the Senate adjourns, it adjourn until Monday at 2 o'clock P. M.

Which was not agreed to.

Question recurring upon original Resolution.

The ayes and noes were demanded by Messrs. Hanna and Turner.

Pending the call of which,

On motion by Mr. Johnson of Montgomery, the Senate adjourned.

SATURDAY MORNING, 9 o'clock, }
February 29th, 1869. }

The Senate met.

On motion of Mr. Church,

The reading of the Journal was dispensed with.

PETITIONS, MEMORIALS AND REMONSTRANCES.

Mr. Kinley presented a petition from sundry citizens of Washington county, on the question of Temperance.

Which was referred to the Committee on Temperance.

Mr. Kinley presented a Petition from sundry citizens from the counties of Henry and Rush, in the State of Indiana, asking the passage of a Law to suppress Houses of Prostitution, and for the punishment of adultery and fornication.

Which was referred to a Special Committee, consisting of Messrs. Kinley, Hess, and Caven.

Mr. Caven presented the following communication to the Senate.

To the General Assembly of the State of Indiana:

I hereby propose to donate to the State of Indian, for the purposes of an Agricultural College, either of the below described lands, on condition that said College shall be located thereon, viz:

Twenty (20) acres of land south-east corner of 12th street, (which is 75 feet wide, with City Railroad track in the center,) and north of Michigan Road, the College building to front 12th street, or, forty (40) acres of land, north-west corner of Crawfordsville Gravel road, and of the County road, which intersects said Gravel road near White river, (about a quarter mile north-west from the city,) the forty acres of land front on said Gravel and County road.

GUSTAVE SCHURMAN.

Which was referred to the Joint Committee on Education and Agriculture.

Mr. Montgomery presented a Petition from sundry citizens of the State of Indiana, on the subject of Medicine.

Which was referred to the Special Committee on Medical Legislation.

Mr. Case, from the Committee on County and Township Business made the following report:

MR. PRESIDENT:

The Committee on County and Township Business, to whom was referred Senate bill No. 261, An act supplemental to an act entitled "An act requiring surviving partners to file inventories and appraisements in the office of the clerk of the Court of Common Pleas, and to report liabilities of the firm." approved March 5, 1859, introduced by Senator Scott, having had the same under consideration, have instructed me to report the same back to the Senate, and recommend its passage.

Which report was concurred in.

Message from the House, by Mr. Merwin, clerk thereof.

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate, that the House has passed the following Engrossed bills thereof, to-wit:

House bill No. 5. A bill to amend the one hundred and third section of an act entitled "An act to revise, simply and abridge the rules, practice, pleadings, and forms in criminal actions in the Courts of this State," approved June 17, 1852.

House bill No. 37. "A bill authorizing Township Trustees to sell bonds, and procure means to build School Houses, pay debts, &c., &c."

House bill No. 63. "A bill prohibiting the use of spring balances by dealers in articles sold by weight, and prescribing the penalty for its violation."

House bill No. 124. A bill to amend an act entitled an act to amend section seventy-six of an act entitled "An act defining misdemeanors, and prescribing punishment therefor," approved February 14, 1865, and to enforce the same.

House bill No. 160. A bill to legalize the official acts of the several Boards of Trustees of the town of Noblesville, Hamilton county, Indiana, and all other officers of said corporation, under an act for the incorporation of towns, etc., etc.

House bill No. 161. A bill to amend an act exempting certain property from sale on execution, being chapter 16th, approved February 17th, 1852, by adding an additional section thereto.

All of which is respectfully submitted.

Mr. Gifford asked and obtained leave of absence for Mr. Lee, on account of sickness.

Mr. Hooper, from the Committee on Corporations, submitted the following report:

MR. PRESIDENT:

The Committee on Corporations, to whom was referred Senate bills No. 198 and 214, both amendatory of an act authorizing the assessment of all lands within one and one-half miles on either side, or within one and one-half miles of the terminus of any plank, or Macadamized, or gravel road, etc., approved March 11th, 1867, have had the same under consideration, and report the same to the Senate, with the recommendation that they lie on the table, and in lieu thereof, said committee report the following substitute, with the recommendation that it do pass.

Senate bill No. 214. An act authorizing the assessment of lands for plank, Macadamized and gravel road purposes, prescribing the manner of assessing and collecting the same, and repealing the law on that subject.

Which was read a second time.

Mr. Fisher moved to amend by striking out the proviso in the first section of the bill.

Mr. Andrews offered the following amendment to the amendment.

Strike out all of the proviso in the first section of the bill after the word "town" in the fifteenth line, and insert the following: "the tax assessed upon the mile and a half of the terminus, including the town or city, shall not exceed the highest tax assessed upon an equal extent of territory upon either side of said road."

Mr. Bird moved to refer the bill and pending amendments to a special committee of five.

Mr. Robinson of Decatur, moved to amend by instructing the Committee to report the bill back to the Senate next Monday.

Mr. Rice moved the previous question, which was seconded by the Senate.

The question recurred upon referring the bill as amended.

Which was not agreed to.

The question then came up upon Mr. Andrews' amendment to the amendment.

Mr. Scott moved the previous question, which was seconded by the Senate.

The question then being upon Mr. Andrews' amendment to the amendment, it was not adopted.

The question then recurring upon Mr. Fisher's amendment, it was adopted, and the proviso was stricken out.

Mr. Hadley offered the following amendment to Section 3, line fifteen :

Strike out the words "and maintenance."

Which was not adopted.

Mr. Robinson of Decatur, moved to amend Section 7 by adding the following proviso :

Provided, That the amount assessed on both roads shall not exceed the amount that would be assessed if the assessment was wholly on one road.

Mr. Hughes moved that the bill lie upon the table, and that one hundred copies be printed.

Which was not agreed to.

Mr. Hughes then moved the previous question, which was seconded by the Senate.

The question then being, shall the main question be now put?

It was agreed to.

The question being upon Mr. Robinson's amendment.

The ayes and noes were demanded by Messrs. Hughes, and Hanna.

Those who voted in the affirmative were,

Messrs. Bird, Case, Caven, Denbo, Elliott, Fosdick, Gifford, Hadley, Hanna, Henderson, Huey, Hughes, Jaquess, Montgomery, Morgan, Robinson of Decatur, Sherrod, Smith, Stein, and Turner—20.

Those who voted in the negative were,

Messrs. Andrews, Armstrong, Beardsley, Bellamy, Bradley, Church, Cravens, Fisher, Gray, Green, Hamilton, Hess, Hooper, Johnson of Spencer, Kinley, Rice, Reynolds, Robinson of Madison, Scott, Wolcott, and Wood—21.

So the amendment was not adopted.

The question recurring upon ordering the engrossment of the bill, the ayes and noes were demanded by Messrs. Hughes, and Rice.

Those who voted in the affirmative were,

Messrs. Armstrong, Andrews, Beardsley, Bellamy, Caven, Church, Cravens, Elliott, Fisher, Gray, Green, Hadley, Hamilton, Henderson, Hess, Hooper, Johnson of Spencer, Kinley, Rice, Reynolds, Robinson of Madison, Scott, Stein, Wolcott, and Wood—25.

Those who voted in the negative were,

Messrs. Bird, Bradley, Case, Denbo, Fosdick, Gifford, Hanna, Huey, Hughes, Jaquess, Montgomery, Morgan, Robinson of Decatur, Sherrod, Smith, and Turner—16.

So the bill was ordered to be engrossed and passed to a third reading on to-morrow.

Mr. Bellamy, from the Committee on Education, submitted the following report:

MR. PRESIDENT:

The Committee on Education, to whom was referred Senate bill No. 150, "A bill defining the Common School System of this State," have had the same under consideration, and instructed me to report the same back with the following amendment: strike out all of section 1 after the word State, in line fifteen, and when so amended recommend its passage.

Which report was concurred in.

Mr. Johnson of Spenceer, from the Special Committee on Fees and Salaries, made the following report:

MR. PRESIDENT:

The Special Committee of Fees and Salaries, to whom was referred House bill No. 83, entitled "An act to amend section sixteen, seventeen, and eighteen, of an act regulating the fees of officers, and repealing former acts in relation thereto," approved March 2, 1855, have had the same under consideration, and have directed me to report the same back with the recommendation that the same do lie on the table, for the reason that the Senate has passed a bill on the same subject.

Which report was concurred in.

Mr. Wood, from the Committee on Education, made the following report:

MR. PRESIDENT:

The Committee on Education, to whom was referred House bill No. 46, "To legalize sale of Seminary Lands in Jasper county," have had the same under consideration, and instructed me to report it back to the Senate with the recommendation that it pass.

Which report was concurred in.

Mr. Stein, from the Committee on Organization of Courts, submitted the following report:

MR. PRESIDENT :

The Committee on Organization of Courts, to whom was referred Senate bill No. 52, introduced by Senator Henderson, have had the same under consideration, and recommend that it do lie upon the table.

Which report was concurred in.

Mr. Robinson of Madison, from the Committee on the Judiciary, made the following report :

MR. PRESIDENT :

The Judiciary Committee, to whom was referred Senate bill No. 278, introduced by Senator Hanna, entitled a bill concerning appeals in cases of contempt, report that they have had the same under consideration, and recommend the accompanying amendments :

Amend by inserting after the word "enacted," in line 1 of section 1, the following words: "By the General Assembly of the State of Indiana."

Amend by striking out the following words, "attorney at law or," in line 2 of section 1, and inserting the word "any."

And upon the adoption, respectfully recommend the passage of the bill.

Which report was concurred in.

Message from the House by Mr. Merwin, Clerk thereof :

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bills thereof, to-wit :

House bill No. 113. A bill to render taxation for common school purposes uniform, and to provide for the education of the colored children of the State.

House bill No. 143. A bill supplemental to an act entitled "an act to provide for the regulation of the running at large of all kinds of animals within the different townships in the different counties of the State, and to provide for the taking up, impounding,

and selling such animals as shall not be allowed by law to run at large," approved March 31st," 1862, and providing that the owner of such animal or animals shall not be liable for any damages or injuries that said animal or animals may or shall occasion on any railroad track, on uninclosed lands and highways, and declaring an emergency.

In all of which the concurrence of the Senate is respectfully requested.

Mr. Bellamy, from the Committee on Public Buildings, made the following report:

MR. PRESIDENT:

The Committee on Public Buildings, to whom was referred Senate bill No. 257, an act to provide for the erection of an Executive Mansion, with instructions to inquire into the expediency of purchasing a suitable building for said purpose, have, in pursuance of said instructions, visited and examined a number of elegant mansions in the city of Indianapolis, but find most of them unsuitable for the purpose desired.

In the opinion of your committee, however, the residence of Mr. L. W. Hasselman, situated on the north-east corner of Square No. 26, at the intersection of Vermont and Meridian Streets, meets substantially all the requirements of such a building, while its imposing appearance, substantial construction, elegant finish, and complete arrangements, make it very desirable, and would make it an honor and credit to the State.

Taking into consideration the location of said residence, its cost, and the terms upon which it may be purchased, the need of an Executive Mansion in keeping with the growth and prosperity of the State, and the extra cost always attending the construction of Public Buildings, your Committee unhesitatingly recommend the purchase of said building upon the terms and conditions set forth in the accompanying proposition of Mr. Hasselman, rather than attempt the doubtful experiment of erecting a suitable structure for the purpose designated.

Accordingly Senate bill No. 257 is herewith returned, with the recommendation that it lie on the table, and the following substitute offered therefor:

Senate bill No. 257. An act appropriating the sum of eighty thousand dollars for the purchase and furnishing of an executive mansion.

Which report was concurred in, and the bill read a second time.

Mr. Lasselle moved that the whole subject be recommitted back to the same committee with instructions to report a bill for the erection of a Governor's residence on the Governor's Circle, in the City of Indianapolis, not to exceed in cost the sum of fifty thousand dollars.

Mr. Rice moved to lay the bill and pending amendments upon the table.

Which was agreed to.

Mr. Gifford offered the following resolution :

Resolved, That when the Senate adjourns it adjourn until Monday next at 2 P. M.

Mr. Hanna moved to amend by striking out "Monday at 2 P. M." and insert "Tuesday at 9 A. M."

Mr. Rice moved to lay the amendment upon the table.

Which was agreed to.

Mr. Church moved to amend by inserting 10 A. M., Monday.

Mr. Hughes moved to amend by striking out the word "Monday."

Which was agreed to.

Leave of absence was granted the Committee on Finance.

Mr. Lasselle, from a select committee, submitted the following report :

MR. PRESIDENT :

The select committee, to whom was referred Senate bill No. 280, introduced by Mr. Cravens, and providing for the amendment of the first section of the act relating to the fees and salaries, approved June 4, 1861, have had the same under consideration, and have

directed me to report the same back for passage without amendment.

Which report was concurred in.

Mr. Rice, from the Committee on Corporations, made the following report :

MR. PRESIDENT :

The Committee on Corporations, to whom was referred House bill No. 65, entitled "A bill amending section 15 of an act entitled an act for the incorporation of manufacturing and mining companies, and companies for mechanical, chemical, and building purposes," approved May 20, 1852, and declaring the meaning of the word annually, as used in the 13th section of said act, have had the same under consideration, and do now report the same back to the Senate with the following amendments, to-wit :

SEC. 3. This act shall not apply to or affect any suits pending on the 20th day of February, 1869, but all such suits shall proceed in the same manner and with the same effect as though this act had not passed ; and for all the purposes of such suits, said sections 13 and 15 shall continue in full force as they heretofore stood.

Also, strike out the words " Sec. 3," before the emergency clause, and insert " Sec. 4," and when so amended, the committee recommend the passage of the bill.

Which report was concurred in.

Mr. Johnson, of Spencer, submitted the following report :

MR. PRESIDENT :

The special committee, to whom was referred Senate bill No. 228, entitled an act to create a Department of Insurance, have had the same under consideration, and report that in their judgment further legislation is inexpedient, and would therefore recommend that said bill do lie on the table.

Which report was concurred in.

Mr. Morgan, from a select committee, submitted the following report :

MR. PRESIDENT :

The select committee, to whom was referred Senate bill No. 286,

have had the same under consideration, and have instructed me to report the same back to the Senate, recommending its passage.

Which report was concurred in.

Mr. Rice, from the Committee on the Judiciary, submitted the following report :

MR. PRESIDENT :

The Judiciary Committee, to whom was referred Senate bill No 293, introduced by Senator Caven, entitled A bill to amend the twenty-fifth section of an act defining felonies and prescribing punishment therefor, report that they have had the same under consideration, and respectfully recommend the passage of said bill.

Which was concurred in.

Mr. Scott, from the Committee on the Judiciary, submitted the following report :

MR. PRESIDENT :

The Judiciary Committee, to whom was referred Senate bill No. 281, A bill to provide for the Judicial decision of the title and use of square No. 25 in the city of Indianapolis, to quiet controversy concerning the same, and to protect the right of the State therein, report that they have had the same under consideration, and recommend the accompanying amendments, and upon their adoption respectfully recommend the passage of said bill :

Amend by adding the following words to the third section : *Provided*, that no act done, or the exercise of any management, care, or control in or about said square by the city of Indianapolis, or any citizen thereof, or any other person, after the passage of this act and before the final decision of such suit, shall be pleaded or admitted in evidence to directly or indirectly affirm, confirm or in any manner add to or strengthen the title of such to said square.

Amend by striking out section 4.

Amend by striking out section 5.

Which report was concurred in.

Mr. Lasselle, from the Committee on Fees and Salaries, submitted the following report :

MR. PRESIDENT :

The Select Committee on Officers' Fees and Salaries, to whom was referred House bill No. 84, regulating the fees of members of the State Board of Education, have had the same under consideration, and have directed me to report that they recommend that the same be amended by inserting the words "not exceeding five cents for each mile necessarily traveled," after the words "traveling expenses," in the third line of the second page, and that, when so amended, they recommend its passage.

Which report was concurred in.

Mr. Kinley moved that the rules be suspended, and that Senate bill No. 217 be taken up and read a third time.

Which was not agreed to.

On motion of Mr. Fosdick, the Senate adjourned.

FRIDAY AFTERNOON, 2 o'clock, }
February 27, 1869. }

The Senate met.

Mr. Caven, from the Committee on the Judiciary, submitted the following report :

MR. PRESIDENT :

The Judiciary Committee, to whom was referred Senate bill No. 288, introduced by Senator Rice, entitled an act to amend sections twenty-five and twenty-eight, entitled "An act dividing the State into counties, defining their boundaries, and defining the jurisdictions of such as border on the Ohio and Wabash rivers," approved June 17th, 1852, and "to provide for jurisdiction and for collection of certain taxes in the territory aforesaid, and providing for submitting the question of re-adjusting the boundary line between the counties of Warren and Fountain to the legal voters of the counties," report that they have had the same under consideration, and respectfully recommend that said bill lie on the table.

Which report was concurred in.

Mr. Bradley, from the Committee on Rights and Privileges, made the following report :

MR. PRESIDENT :

The Committee on the Rights and Privileges of the Inhabitants of the State, to whom was referred Senate bill No. 78, to repeal section eighteen of the act entitled "An act regulating descents and the apportionment of estates," approved May 14th, 1852, have had the same under consideration, and have directed me to report that the same be amended by inserting after the second section the following provisions, to-wit :

"SEC. 2. That section twenty-four of the said entitled act be, and the same is, hereby amended to read as follows :

"SEC. 24. If a man die intestate, leaving a widow and a child or children, not exceeding two, the personal property of such intestate

shall be equally divided among the widow and children, the widow taking an equal share with one child; but if the number of children exceed two, the widow's share shall not be reduced below one-third of the whole.

Also, that the title of said bill be amended by inserting after the words "section eighteen" the words "and to revise and amend section twenty-four," and that, when so amended, they recommend the passage of the bill.

Which report was concurred in.

Mr. Bradley, from the Committee on Rights and Privileges of the Inhabitants of the State, submitted the following report :

MR. PRESIDENT :

The Committee on the Rights and Privileges of the Inhabitants of the State, to whom was referred Senate bill No. 283, entitled "A bill to prevent the running at large of bulls, rams, and boars," have had the same under consideration, and respectfully recommend its passage.

Which report was concurred in.

Mr. Stein, from the Committee on the Judiciary, made the following report :

MR. PRESIDENT :

The Judiciary Committee, to whom was referred Senate bill No. 282, introduced by Senator Hughes, entitled "An act defining and providing punishment for libel," have had the same under consideration, and do respectfully recommend the passage of said bill.

Which report was concurred in.

Mr. Stein moved that the order of business be suspended, and Senate bills on second reading taken up.

Which was agreed to.

Mr. Bellamy asked and obtained leave of absence for Mr. Hamilton, until Tuesday morning.

Mr. Jaquess asked and obtained leave of absence for Mr. Elliott.

Mr. Fisher asked and obtained leave of absence for Mr. Gifford, until Monday next, at 2 o'clock.

SENATE BILLS ON SECOND READING.

Senate bill No. 40. An act to repeal the 44th and 82d sections, and to amend the 81st and 103d sections of an act entitled "An act to revise, simplify and abridge the rules, practices, pleadings and forms in criminal action, in the courts of this State, approved June 17, 1852, and to regulate the practice as to continuances, and change of venue in criminal actions in the courts of this State."

Was read a second time, and ordered to be engrossed for a third reading on to-morrow.

Senate bill No. 97. An act making an appropriation of four hundred and thirteen thousand five hundred and ninety-nine dollars and forty-eight cents, to pay the claims of sufferers by the Morgan raid.

Was read a second time, ordered to be engrossed and passed to a third reading on to-morrow.

Senate bill No. 211. A bill defining what counties shall constitute the Eighth Judicial Circuit, and fixing the terms of holding the courts therein.

Was read a second time, ordered to be engrossed and passed to a third reading on to-morrow.

Senate bill No. 215. A bill to authorize counties to aid in the construction of railroads, taking stock in and making donations to railroad companies.

Read a second time, and amendments adopted.

Mr. Fisher moved to re-commit the bill with the following instructions:

To amend by striking out all that relates to holding an election, to determine whether the county or townships shall take stock or make donations, and insert a provision requiring a petition signed by a majority of the freeholders in said county or township."

Mr. Stein moved to lay the motion to re-commit upon the table. Which was agreed to.

Mr. Gray offered the following amendment:

Amend by striking out the word "county," wherever it occurs in the bill.

Which was not adopted.

The question then recurring upon ordering the bill to be engrossed for a third reading on to-morrow.

The ayes noes were demanded by Messrs. Fisher and Turner.

Those who voted in the affirmative were,

Messrs. Andrews, Armstrong, Bellamy, Bird, Bradley, Caven, Church, Cravens, Fosdick, Green, Hess, Hooper, Huey, Jaquess, Johnson of Spencer, Johnson of Montgomery, Morgan, Reynolds, Robinson of Madison, Robinson of Decatur, Scott, Stein, Turner, and Wood—24.

Those who voted in the negative were,

Messrs. Beardsley, Case, Denbo, Fisher, Gray, Hadley, Hanna, Hughes, Lasselle, Rice, and Stein—11.

So the bill was ordered to be engrossed for a third reading on to-morrow.

Senate bill No. 241. An act entitled An act to amend an act to amend an act to incorporate the University of Notre Dame du Lac, at South Bend, St. Joseph county, Indiana, approved January 15th, 1844.

Was read a second time, and the amendments of the Committee adopted, ordered to be engrossed, and passed to a third reading on to-morrow.

Senate bill No. 246. An act to amend sections 4, 13, and 15 of an act entitled An act to establish a home for the maintenance of sick and disabled Indiana soldiers and seamen and their orphans and widows, approved March 11th, 1867, and supplementary to said act.

Was read a second time.

Mr. Hughes moved to indefinitely postpone the bill and amendments.

Which was not agreed to.

Mr. Hughes moved that the bill be laid upon the table, and 100 copies ordered to be printed for the use of the Senate.

Which was agreed to.

Mr. Bird presented a communication from Susan B. Walpole, proposing to sell to the State certain property for a Gubernatorial mansion.

Which was referred to the Committee on Public Buildings.

Mr. Hughes presented the proposition of John L. Fatout for the sale of his house to the State for a Governor's mansion.

Which was referred to the Committee on Public Buildings.

Mr. Robinson, of Decatur, moved to take up Senate bill No. 290. An act creating the ——— Judicial Circuit and fixing the times of holding courts therein.

Which was agreed to.

The bill was read a second time and amendments adopted.

The bill was then ordered to be engrossed and passed to a third reading on to-morrow.

Mr. Cravens asked and obtained leave of absence until Tuesday morning.

Mr. Johnson, of Spencer, asked and obtained leave of absence for Mr. Green until 11 o'clock on Monday.

Mr. Huey offered the following resolution :

Resolved, That when the Senate adjourns, it adjourn until Monday at 2 o'clock.

Which was not adopted.

Mr. Robinson, of Madison, offered the following resolution :

Resolved, That when the Senate adjourns, it adjourn until Monday at 10 o'clock A. M.

Which was agreed to.

On motion of Mr. Johnson, of Spencer,

The Senate adjourned.

MONDAY MORNING, 10 o'clock, }
 March 1, 1869. }

Senate met.

Mr. Hughes moved that Mr. Fisher be chosen temporary President of the Senate.

Which was agreed to.

The Journal of Saturday was read.

Mr. Hughes moved to re-consider the vote by which Senate bill No. 97, was ordered to be engrossed.

Which was agreed to.

Mr. Fosdick asked and obtained leave to have the Journal corrected, in regard to his vote on the bill for changing County Seats.

PETITIONS, MEMORIALS, AND REMONSTRANCES.

Mr. Caven presented a Petition from sundry citizens of Indianapolis, praying for the enactment of a law prohibiting the traffic in intoxicating liquors as a beverage.

Which was referred to the Committee on Temperance.

Mr. Caven presented a proposition from Gustave Schurman, proposing to sell to the State of Indiana, a certain lot and residence thereon, for a Gobernatorial Mansion.

Which was referred to the Committee on Public Buildings.

Mr. Caven presented the following propositions:

I propose to sell to the State, lot 37, west half of square 74, making a front on Maryland street of 101 feet, and a 15 foot alley on the west, and extending south 195 feet to a 30 foot alley, for the sum of \$15,000.

L. B. WILSON.

Also, the following proposition from L. B. Wilson.

I propose to sell to the State, my lot on the corner of Maryland and Tennessee streets, making a front on Maryland street of 67½ feet, and 159 feet on Tennessee street, for \$16,000.

Which was referred to the Committee on Public Buildings.

Mr. Hess presented a Petition from sundry citizens of the State of Indiana, asking for the enactment of a law to reduce the emoluments of County Officers.

Which was referred to the Special Committee on Fees and Salaries.

REPORTS FROM STANDING COMMITTEES.

Mr. Caven from the Committee on the Judiciary, submitted the following report:

MR. PRESIDENT:

The Judiciary Committee, to whom was referred Joint Resolution No. 14, introduced by Senator Green, declaring it unconstitutional and impolitic for the General Assembly to purchase the Wabash and Erie Canal, or to acknowledge any liability on the part of the State on account of the debt charged upon said Canal, report that they have had the same under consideration, and respectfully recommend the adoption of said Resolution.

Which report was concurred in.

Mr. Denbo from the Committee on Phraseology and Enrolled Bills, made the following report:

MR. PRESIDENT:

The Committee on Phraseology and Enrolled Bills, have examined Enrolled acts Nos. 55 and 96, and find said acts carefully and correctly enrolled.

Which report was concurred in.

Mr. Hanna, from the Committee on Corporations, submitted the following report:

MR. PRESIDENT:

The Committee on Corporations, to whom was referred House S. J.—39.

bill No. 18, entitled an act to amend sections two and four of an act entitled an act for the incorporation and continuance of Building Loan Fund and Savings Association approved March 5, 1857, and supplemental thereto, have had the same under consideration, and do now report the same back to the Senate and recommend its passage.

Which report was concurred in.

RESOLUTIONS.

Mr. Caven offered the following resolution:

Resolved, That the Judiciary Committee are hereby instructed to inquire in what condition the decision of the Supreme Court, in the case of *Greencastle vs. the State*, reported in 28th Indiana, overruling the decision in the case of *Langdon vs. Applegate*, in 5th Indiana, leaves the Statutes on the subject of descents, and the settlement of decedents' estates, and what legislation, if any, is needed in reference thereto.

Which was adopted.

Mr. Henderson offered

Joint Resolution No. 15. A Joint Resolution to suspend the operation of Senate bill No. 133, entitled an act to amend sections one and three of an act entitled an act to provide for the re-location of County Seats, and for the erection of public buildings, in Counties, in case of such re-location, approved March 2, 1855; and to amend section one of an act amendatory of said act, approved December 18, 1865; and to provide for the appointment of Commissioners, approved by the Governor, February 24, 1869.

Mr. Hughes moved to lay the Joint Resolution on the table.

The ayes and noes were demanded by Messrs. Hughes and Bradley.

Those who voted in the affirmative were,

Messrs. Andrews, Armstrong, Beardsley, Bellamy, Caven, Church, Fisher, Hanna, Hess, Jaquess, Johnson of Montgomery, Montgomery, Rice, Reynolds and Sherrod—15.

Those who voted in the negative were,

Messrs. Bird, Bradley, Case, Denbo, Fosdick, Gray, Henderson,

Hooper, Hughes, Kinley, Lasselle, Morgan, Robinson of Madison, Scott, Smith, Stein, Turner, Wolcott and Wood—19.

So the motion to lay the Joint Resolution upon the table, was not agreed to.

Mr. Hughes moved the previous question, which was seconded by the Senate.

Mr. Hanna moved a call of the Senate.

The Secretary proceeded with the call, and the following Senators answered to their names.

Messrs Andrews, Armstrong, Beardsley, Bellamy, Bird, Bradley, Case, Caven, Church, Denbo, Fisher, Fosdick, Gray, Hadley, Hanna, Henderson, Hess, Hooper, Hughes, Jaquess, Johnson of Montgomery, Kinley, Lasselle, Montgomery, Morgan, Rice, Reynolds, Robinson of Madison, Scott, Sherrod, Smith, Stein, Turner, Wolcott, and Wood—35.

Mr. Armstrong asked and obtained, leave of absence for Mr. Huey.

Mr. Henderson moved that further proceedings under the call, be dispensed with.

Which was agreed to.

The question being, shall the Joint Resolution pass?

Those who voted in the affirmative were,

Messrs. Bird, Bradley, Case, Denbo, Fisher, Fosdick, Gray, Hadley, Henderson, Hooper, Hughes, Kinley, Lasselle, Morgan, Robinson of Madison, Smith, Stein, Wolcott, and Wood—19.

Those who voted in the negative were,

Messrs. Andrews, Armstrong, Beardsley, Bellamy, Caven, Church, Hanna, Hess, Howk, Jaquess, Johnson of Spencer, Johnson of Montgomery, Montgomery, Rice, Reynolds, Scott, Sherrod, and Turner—18.

So the Joint Resolution failed for want of a constitutional majority.

Mr. Turner offered

Senate Joint Resolution No. 16. "A Joint Resolution providing for certificates to be signed by the Governor, and countersigned by the Adjutant General, commemorating the services and achievements of Indiana in the late war of the rebellion, and making an appropriation therefor."

Mr. Turner demanded a call of the Senate.

The Secretary proceeded to a call thereof.

The following Senators answered to their names :

Messrs. Andrews, Armstrong, Beardsley, Bellamy, Bird, Bradley, Case, Caven, Church, Denbo, Fisher, Gray, Green, Hadley, Henderson, Hess, Hooper, Howk, Hughes, Jaquess, Johnson of Spencer, Johnson of Montgomery, Kinley, Lasselle, Montgomery, Morgan, Rice, Reynolds, Robinson of Madison, Scott, Sherrod, Smith, Stein, Turner, Wolcott, and Wood—36.

Mr. Johnson of Spencer, moved that further proceedings under the call, be dispensed with.

Which was agreed to.

Mr. Hughes asked to be excused from voting on the resolution.

Mr. Robinson of Madison, moved the previous question, which was seconded by the Senate.

Mr. Hughes withdrew his request to be excused.

The question being, shall the resolution pass ?

Those who voted in the affirmative were,

Messrs. Bird, Bradley, Caven, Church, Hadley, Johnson of Spencer, Lasselle, Morgan, Sherrod, and Turner—10.

Those who voted in the negative were,

Messrs. Andrews, Armstrong, Beardsley, Bellamy, Case, Denbo, Fisher, Fosdick, Gray, Green, Hanna, Henderson, Hess, Hooper, Howk, Hughes, Jaquess, Johnson of Montgomery, Kinley, Mont-

gomery, Rice, Reynolds, Robinson of Madison, Scott, Smith, Stein, Wolcott, and Wood—28.

So the Joint Resolution did not pass.

Mr. Morgan introduced

Joint Resolution No. 17. A joint resolution to the Agricultural College Fund to the credit of the Common School Fund of Indiana.

Mr. Hughes moved that the joint resolution be referred to the Joint Committee on Education and Agriculture.

Which was agreed to.

Mr. Armstrong offered the following resolution :

Resolved, That after the adoption of this resolution that Senators in their remarks be restricted to ten minutes.

Which was adopted.

On motion of Mr. Sherrod, the Senate adjourned.

MONDAY AFTERNOON, 2 o'clock, }
 March 1, 1869. }

The Senate met.

By unanimous consent of the Senate, Mr. Lasselle submitted the following report:

MR. PRESIDENT:

The Select Committee on Fees and Salaries, to whom was referred Senate bill No. 260, introduced by Mr. Hamilton, and providing for an increase of the fees of County Treasurers, and to impose penalties on such Treasurers for a failure to collect taxes, have had the same under consideration, and have directed me to report that they deem the passage of the bill to be inexpedient, and recommend that the same do lie on the table.

Which report was concurred in.

Mr. Johnson of Spencer, by unanimous consent, from the Committee on Rights and Privileges, made the following report:

MR. PRESIDENT:

The Committee on Rights and Privileges, to whom Senate bill No. 112, entitled "An act to revise and amend section 1 of the exemption law," have had the same under consideration, and have directed me to report the same back with the recommendation that the bill do pass.

Which report was concurred in.

BILLS INTRODUCED.

Mr. Jaquess introduced

Senate bill No. 296. A bill to enable Railroad Companies to use bonds, to sell them to cities, towns and counties, and to authorize cities, towns and counties to issue bonds, with which to buy such Railroad Bonds.

Which was referred to the Committee on Corporations.

Mr. Robinson of Madison introduced

Senate bill No. 297. A bill to repeal an act entitled "An act to amend an act entitled an act to authorize the removal of convicts from the Southern State Prison to the Northern State Prison, and providing for the employment of convicts in each of said prisons, directing what counties shall send their convicts to the Northern State Prison, and providing for the carrying on the work in the said Northern State Prison, and making appropriation for the support of said Prison," approved June 1, 1861, approved March 11, 1867.

Which was referred to the Committee on Prisons.

Mr. Hughes introduced

Senate bill No. 298. An act making an appropriation for the support of the State University, and providing for the diminution of the same in certain contingencies.

Which was referred to the Joint Committee on Education and Agriculture.

Mr. Armstrong introduced

Senate bill No. 299. An act to amend section one of an act entitled an act fixing compensation of township assessors, approved March 6, 1865.

Which was read a first time, and referred to the Committee on County and Township Business.

Mr. Jaquess introduced

Senate bill No. 300. An act to provide for the sale of the University.

Which was read a first time.

Mr. Hughes moved that the bill be rejected.

The ayes and noes were demanded by Messrs. Hughes and Fisher.

Those who voted in the affirmative were,

Messrs. Andrews, Armstrong, Beardsley, Bellamy, Bird, Bradley, Carson, Case, Caven, Church, Denbo, Elliott, Fisher, Fosdick, Gifford, Gray, Green, Hadley, Hanna, Henderson, Hess, Hooper,

Howk, Hughes, Jaquess, Johnson of Spencer, Johnson of Montgomery, Kinley, Lasselle, Lee, Montgomery, Morgan, Rice, Reynolds, Robinson of Madison, Robinson of Decatur, Scott, Smith, Stein, Turner, Wolcott and Wood—42.

No Senator voted in the negative.

So the bill was rejected.

Message from the House by Mr. Merwin, Clerk thereof:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bills thereof, to-wit:

House bill No. 251. A bill legalizing the assessment of taxes for State Debt Sinking Fund purposes for the years 1867 and 1868, and declaring what amount shall be assessed and collected for the same purposes for the years 1869 and 1870, and making certain provisions as to the application of said tax.

Also House bill No. 273. A bill to raise revenue for State purposes for the years 1869 and 1870, and for subsequent years.

In all of which the concurrence of the Senate is respectfully requested.

Mr. Wolcott introduced

Senate bill No. 301. An act to provide for the increased endowment of the State University at Bloomington, by accepting of Monroe county fifty thousand dollars offered for the location of the State Agricultural College at Bloomington, and locating said Agricultural College at Bloomington, in connection with the State University; for the sale of square 25 in the city of Indianapolis, and for the investment and management of the proceeds thereof as an endowment fund of said University, and authorizing the Board of Trustees to establish a Law and Medical Department thereto, and after realizing interest on proceeds of sale of square 25 in Indianapolis, making tuition free in said State University, except in Law and Medical Department.

Which was read a first time, and referred to the Committee on Education and Agriculture.

Mr. Church introduced

Senate bill No. 302. A bill to amend the 250th section of an act entitled "An act to revise, simplify and abridge the rules, practice, pleadings, and forms in civil cases in the courts of this State, to abolish distinct forms of actions at law, and to provide for the administration of justice in a uniform mode of pleading and practice without distinction between law and equity," approved June 18, 1852.

Which was read a first time and passed to a second reading on to-morrow.

By unanimous consent of the Senate, Mr. Gifford offered the following resolution:

Resolved, That a Committee of three be appointed by the President of the Senate, to visit the Post Office of this city, with instructions to investigate the causes of the mail matter of this Senate being detained in said office for days, without being mailed according to law.

Which was adopted.

The President appointed on said Committee, Messrs. Gifford, Gray and Elliott.

Mr. Caven introduced

Senate bill No. 303. An act amendatory of Section 17, of an act entitled "An act providing for the organization of County Boards, and prescribing some of their powers and duties," approved June 17, 1852.

Which was read a first time and referred to the Committee on County and Township Business.

Mr. Montgomery introduced

Senate bill No. 304. An act to amend an amendment of section two of an act entitled an act prescribing the powers and duties of Justices of the Peace in State proceedings, approved December 2, 1865, so as to authorize any Constable, or Sheriff of any County, to serve a warrant throughout the State.

Which was read a first time and referred to the Committee on the Judiciary.

HOUSE BILLS ON SECOND READING.

Engrossed House bill No. 124. A bill supplemental to an act to provide for the confinement of persons insane, and dangerous when suffered to run at large, and the compensation of men to whom the custody of such insane person is committed, approved February 21, 1855; and to provide for the recovery of moneys expended by one County in the arrest, care, safe keeping, clothing and treatment of an insane person, whose legal settlement is in another county, from the county of said legal settlement.

Which was read a first time by its title, and referred to the Committee on Rights and Privileges of the Inhabitants of the State.

Engrossed House bill No. 167. A bill defining certain misdemeanors and prescribing punishment therefor, and fixing fees of certain officers in prosecutions under this act, and preventing minors from playing billiards at public billiard saloons.

Was read a first time and referred to the Committee on the Judiciary.

Engrossed House bill No. 92. A bill to amend section one of an act entitled an act to establish a House of Refuge for the correction of juvenile offenders, approved March 8, 1867.

Was read a first time, and referred to the Committee on House of Refuge.

House bill No. 123. A bill to amend section 3 of an act entitled an act to require surviving partners to file inventories and appraisements in the office of the Clerk of the Court of Common Pleas, and to report the liabilities of the firm, approved March 5, 1859.

Was read a first time and referred to the Committee on the Rights and Privileges of the Inhabitants of the State.

Engrossed House bill No. 97. A bill authorizing certain county auditors to correct their reports to the Superintendent of Public Instruction, relative to the school fund, common and congressional, as required by an act entitled "An act requiring county auditors to make examination of the records in their offices in relation to school

funds, and make report, and providing compensation therefor," approved December 21, 1865, and declaring an emergency.

Was read a first time, and referred to the Committee on County and Township Business.

Engrossed House bill No. 110. A bill to amend section 47 of an act entitled an act to provide for opening, vacating, and change of highways, approved June 17, 1852.

Was read a first time, and referred to the Committee on Roads.

Engrossed House bill No. 68. A bill to amend sections 63 and 69 of chapter 12, of an act entitled an act to repeal all general laws now in force for the incorporation of cities, and to provide for the incorporation of cities, prescribing their powers and rights, and the manner in which they shall exercise the same; and to regulate such other matters as properly pertain thereto, approved March 14, 1867.

Was read a first time, and referred to the Committee on Corporations.

Engrossed House bill No. 161. A bill to amend an act exempting certain property from sale on execution, being chapter 16, approved February 17, 1852, by adding an additional section thereto.

Was read a first time, and referred to the Committee on the Judiciary.

Engrossed House Bill No. 50. A bill to amend an act incorporating cities and towns.

Was read a first time, and referred to the Committee on Corporations.

Engrossed House bill No. 205. A bill to fix the time and length of time of holding the Circuit Court in the county of Marshall, and repealing all laws contrary to the provisions of this act.

Was read a first time and referred to the Committee on the Organization of Courts.

Engrossed House bill No. 225. A bill to provide for the holding the Court of Common Pleas in the counties of Laporte and Marshall, and to repeal the law now in force in relation thereto.

Was read a first time, and referred to the Committee on Organization of Courts.

Engrossed House bill No. 271. A bill to provide for holding courts in the County of Brown, in case of conflict with the Circuit Court of that county, and to repeal laws in conflict with this act, and declaring an emergency.

Was read a first time, and referred to the Committee on Organization of Courts.

Engrossed House bill No. 90. An act creating the Twenty-fifth Judicial Circuit, providing for the election of Judges and Prosecuting Attorneys therefor, providing compensation, etc.

Was read a first time, and referred to the Committee on Organization of Courts.

Engrossed House bill No. 40. A bill to enable County Commissioners to demand, sue for, and receive any bounty fund which may have been raised by the citizens of any county in the State, and which remains unexpended or not accounted for, and declaring an emergency.

Was read a first time, and referred to the Committee on County and Township Business.

Engrossed House bill No. 23. A bill to change the time of holding elections in this State, and to fill all vacancies in office occasioned by the provisions of this act, and declaring an emergency.

Which was read a first time, and referred to the Committee on Elections.

Engrossed House bill No. 105. An act to regulate and make uniform the prices charged by railroad companies for transferring goods, merchandise and material to and from stations on railroads, in this State, and to require such railroad companies to carry passengers on freight trains, and providing penalties for its violation.

Was read a first time, and referred to the Committee on Corporations.

Engrossed House bill No. 132. A bill to enable cities to aid in the construction of railroads and water powers, and declaring an emergency.

Was read a first time, and referred to the Committee on Corporations.

Engrossed House bill No. 135. A bill to provide for the disposition of moneys in the State Treasury to the credit of estates without heirs, and declaring them escheated to the State in twenty years.

Was read a first time, and referred to the Committee on the Rights and Privileges of the Inhabitants of this State.

Engrossed House bill No. 138. A bill declaratory of the common law as to the duty of rail road companies and other common carriers, in the transportation of freights, and to prevent exorbitant charges for such transportation, and providing a remedy, and making certain claims assignable.

Was read a first time, and referred to the Committee on the Judiciary.

Engrossed House bill No. 143. A bill supplemental to an act entitled an act to provide for the regulation of the running at large of all kinds of animals within the different townships in the different counties in the State, and to provide for the taking up, impounding and selling all such animals as shall not be allowed by law to run at large, approved May 31, 1852, and providing that the owner of such animal or animals shall not be liable for any damages or injuries that said animal or animals may or shall occasion on any railroad track or uninclosed lands and highways, and declaring an emergency.

Was read a first time, and referred to the Committee on Rights and Privileges.

Engrossed House bill No. 134. A bill to amend an act, entitled "An act to amend section 76, of an act entitled an act defining misdemeanors, and providing punishment therefore, approved February 14, 1865, and to enforce the same."

Was read a first time, and referred to the Committee on the Judiciary.

Engrossed House bill No. 113. A bill to render taxation for common School purposes uniform, and to provided for the education of the colored children of the State.

Was read a first time, and referred to the Committee on Education.

Engrossed House bill No. 5. A bill to amend the 103d section of an act, entitled An act to revise, simplify and abridge the rules, practices, pleadings and forms in criminal actions of this State, approved June 17, 1852.

Was read a first time, and referred to the Committee on the Judiciary.

Engrossed House bill No. 37. A bill authorizing township trustees to sell bonds and procure means to build school houses, pay debts, etc.

Was read a first time, and referred to the Committee on County and Township Business.

Engrossed House bill No. 63. A bill prohibiting the use of spring balances, by dealers in articles sold by weight, and prescribing the penalty for its violation.

Was read a first time, and referred to the Committee on Rights and Privileges of the Inhabitants of the State.

Engrossed House bill No. 160. A bill to legalize the official acts of the several boards of trustees of the town of Noblesville, Hamilton county, Indiana, and all other officers of said corporation, under an act for the incorporation of towns, defining their powers, providing for the election of the officers thereof, and declaring their duties, approved June 11th, 1852, and all by-laws, rules, regulations and proceedings adopted in pursuance thereof.

Was read a first time, and referred to the Committee on Corporations.

Engrossed bill No. 72. A bill defining what counties shall constitute the Fifth Judicial Circuit, and fixing the time of holding courts therein.

Which was referred to a Special Committee, consisting of the following Senators, Messrs. Hadley and Caven.

Engrossed House bill No. 73. A bill to amend section 15, of an act entitled an act regulating the fees of officers, and repealing former acts in relation thereto, approved March 2d, 1855.

Was read a first time, and was referred to the Committee on Fees and Salaries.

Engrossed House bill No. 36. A bill concerning vagrants.

Which was referred to the Committee on Rights and Privileges of the Inhabitants of the State.

Engrossed House bill No. 127. A bill authorizing County Recorders to demand and receive their fees for recording, at the time deeds, mortgages and other papers are presented to them for record.

Was read a first time, and referred to the Committee on the Judiciary.

Engrossed House bill No. 60. A bill for the incorporation and continuance of Life Insurance Companies, authorizing them to re-insure their risks, exempting certain policies of life insurance from attachment by creditors, making all policies non-forfeitable after two full annual payments, repealing all laws and parts of laws inconsistent therewith, and declaring an emergency.

Read a first time, and referred to the Committee on Corporations.

Mr. Robinson of Decatur, moved to suspend the order of business, and take up bills on third reading.

Which was not agreed to.

Message from the House, by Mr. Merwin, Clerk thereof.

MR. PRESIDENT:

I am directed by the Speaker of the House of Representatives to inform the Senate that the Speaker has signed Senate Enrolled Acts Nos. 55 and 96, and the same are herewith returned to the Senate.

A message from the Governor, by John M. Commons, his Private Secretary:

EXECUTIVE DEPARTMENT,
INDIANAPOLIS, March 1, 1869. }

Gentlemen of the Senate and House of Representatives:

I herewith respectfully transmit to the General Assembly a certified copy of Joint Resolution of the Congress of the United States

proposing an amendment to the Constitution of the United States on the subject of suffrage, comprising two sections, and designated as Article XV.

The original copy of said Joint Resolution received by me is transmitted with this communication to the House of Representatives, and a transcript thereof to the Senate.

[Signed.]

CONRAD BAKER.

JOINT RESOLUTION PROPOSING AN AMENDMENT TO THE CONSTITUTION
OF THE UNITED STATES.

Resolved by the Senate and House of Representatives of the United States of America in Congress Assembled. (two-thirds of both Houses concurring.) That the following article be proposed to the Legislatures of the several States, as an amendment to the Constitution of the United States, which, when ratified by three-fourths of said Legislatures, shall be valid as part of the Constitution, namely:

ARTICLE 15. SECTION 1. The right of citizens of the United States to vote shall not be denied or abridged by the United States, or by any State, on account of race, or color, or previous condition of servitude.

SEC. 2. The Congress shall have power to enforce this article by appropriate legislation.

Mr. Hughes moved to make the Governor's message the special order for next Thursday at 2½ o'clock.

Which was agreed to.

Mr. Bellamy moved to take up Senate bill No. 97, "An act making an appropriation of \$413,599.48. to pay the claims of sufferers in the Morgan Raid."

Which was agreed to.

Mr. Bellamy offered the following amendment:

Insert "or their assigns," immediately after the word "claimants," in the second line of section two.

Which was not adopted.

Mr. Fisher offered the following amendment :

Provided, That the amount due to each party shall be paid to said party in person, and not to assignee or attorney.

Which was adopted.

Mr. Hanna moved that the bill be re-committed to the Committee on Finance with instructions to strike out, as being claims against the General Government, all claims and items of claims for damages done, or injuries committed, or property taken by the public enemy, and include in any bill they may report upon that subject only such claim or claims for property taken, damages done, or injuries committed by the National or State military forces.

Which was not agreed to.

Mr. Fosdick moved the previous question.

Which was seconded by the Senate.

The question then being upon the engrossment of the bill, the ayes and noes were demanded by Messrs. Gray and Henderson.

Those who voted in the affirmative were,

Messrs. Andrews, Bellamy, Case, Caven, Denbo, Elliott, Gifford, Green, Hanna, Henderson, Hawk, Jaquess, Lasselle, Lee, Montgomery, Morgan, Robinson of Madison, Robinson of Decatur, Scott, Stein and Turner—21.

Those who voted in the negative were,

Messrs. Armstrong, Beardsley, Bird, Bradley, Carson, Church, Fisher, Fosdick, Gray, Hadley, Hess, Hooper, Hughes, Johnson of Spencer, Johnson of Montgomery, Kinley, Rice, Reynolds, Walcott and Wood—20.

So the bill was ordered to be engrossed and passed to a third reading on to-morrow.

Mr. Johnson, of Montgomery, moved that the Senate adjourn.

Which was not agreed to.

Mr. Hanna moved to suspend the order of business and take up Senate bill No. 255.

Which was not agreed to.

SENATE BILLS ON SECOND READING.

Senate bill No. 254. A bill to declare the intent and meaning of section 27 of the Descent Law of 1852.

Was read a second time, ordered to be engrossed and passed to a third reading on to-morrow.

Senate bill No. 258. A bill to allow partnerships to bring and maintain suits in their adopted names, in certain cases.

Read a second time, ordered to be engrossed and passed to a third reading to-morrow.

Senate bill No. 261. "A bill to allow cities and incorporated towns within this State, to erect buildings for fire, and other municipal purposes, on docks and wharfs in certain cases," was read a second time, ordered to be engrossed and passed to a third reading on to-morrow.

Senate bill No. 262. "An act requiring certain pleadings of fact in actions founded upon bills of exchange, promissory notes and accounts, to be verified by affidavit," which was read a second time.

Mr. Hooper offered the following amendment.

Amend section one by adding the following: "and all answers in denial shall be specific, and not general."

Which was adopted, and the bill was ordered to be engrossed and passed to a third reading on to-morrow.

Senate bill No. 276. "A bill for the relief of the heirs of Patrik Donovan, deceased," was read a second time and passed to a third reading on to-morrow.

Senate bill No. 182. "A bill to provide for a Reformatory Institution for girls and women," was read a second time.

The question being upon its engrossment.

The ayes and noes were demanded by Messrs. Hughes, and Johnson of Montgomery.

Those who voted in the affirmative were,

Messrs. Andrews, Armstrong, Beardsley, Bellamy, Bradley, Case, Caven, Church, Elliott, Fisher, Fosdick, Gifford, Green, Hadley, Hess, Hooper, Howk, Jaquess, Kinley, Lasselle, Morgan, Rice, Reynolds, Robinson of Madison, Scott, Stein, Turner, Wolcott, and Wood—29.

Those who voted in the negative were,

Messrs. Carson, Denbo, Gray, Hanna, Henderson, Hughes, Johnson of Montgomery, Lee, Montgomery, Robinson of Decatur, Sherrod, and Smith—12.

So the bill was ordered to be engrossed, and passed to a third reading on to-morrow.

Senate bill No. 217. "A bill regulating fees of county offices, and declaring an emergency."

Was read a second time.

Mr. Henderson offered the following amendment to the substitute.

Amendment to substitute of the Committee on Senate bill No. 217.

Strike out of the enacting clause, and insert as follows:

SECTION 1. That the Clerk, Auditor, Sheriff and Treasurer shall each receive the sum of twelve hundred dollars annually for their services, and no more, except as provided for in this act; said salary to be paid quarterly out of the County Treasury as provided for in section eight of this act.

SEC. 2. There shall be allowed, in addition to the salaries provided for in the first section of this act, for the pay of clerks or deputies for said officers, the following amounts:

In counties with a voting population of three thousand, the Clerk, Auditor and Sheriff shall each receive annually the sum of six

hundred dollars, and six hundred dollars for each additional one thousand voters, and the Treasurer three hundred dollars for each three thousand voters, and three hundred dollars for each additional one thousand voters: *Provided, however,* That the Treasurer shall receive the fees and perquisites for the collection of delinquent taxes as now provided for by law.

SEC. 3 The Clerk and Sheriff shall keep an accurate account (in a fee book kept for the purpose) of all fees and charges allowed by law for any and all services performed in an official capacity, either by themselves, their clerks or deputies.

SEC. 4. The Clerk and Sheriff shall, on the first Monday of each month, pay over to the County Treasurer all moneys received by them as fees or charges for official services during the preceding month, taking the Treasurer's receipt for the same, designating in the receipt in what month said money was collected, said receipt to be filed with the County Auditor, taking his quietus for the same. The Treasurer and Auditor shall register said receipt in the county register of receipts, as in other cases where the law requires registration.

SEC. 5. Said Clerk and Sheriff shall make report, under oath, to the Board of County Commissioners of their respective counties, on the third day of each regular term of said Board, of all official fees and charges made either by themselves or deputies during the preceding three months, giving the name of each person charged with fees, and amount charged, the amount collected, and from whom, deducting the amount paid from the amount charged, showing the amount of fees in the aggregate remaining unpaid. Said report shall be examined by said Board, and if adjudged to be correct, and in full compliance with this act, shall order the same to be recorded on their order book, with an order of said Board approving said reports as being correct; if, however, said Board have reason to believe thpt said reports, or either of them, are incorrect, they shall make an order disapproving the same.

SEC. 6. Any Clerk or Sheriff who shall make any false report, or fail, or refuse to report as required by this act, shall be guilty of a misdemeanor, and upon conviction thereof by any Court having competent jurisdiction, shall be fined in any sum not less than five

hundred dollars, nor more than five thousand dollars, to which may be added imprisonment in the county jail for any term not exceeding thirty days.

SEC. 7. In addition to the annual salaries allowed the Clerk and Sheriff, as provided in the first section of this act, they shall be allowed fifteen per cent. on all fees collected for their official services which shall have been paid into the County Treasury in pursuance of section four of this act.

SEC. 8. The Board of County Commissioners are hereby required, at each of their regular meetings, to make an order allowing the officers named in the first section of this act, one-fourth of the salary of each officer as provided for in this act: *Provided, however,* That the allowance shall be withheld from the Clerk and Sheriff in case the report should not be made in strict accordance with the provisions of this act.

SEC. 9. The Auditor and Treasurer are prohibited from charging fees in any case whatever, except as provided for in this act, and the salary and amount allowed for clerks or deputies shall be in full, for all services performed by said officers in their official capacity.

SEC. 10. *Be it further enacted,* That for the purpose of ascertaining the amount to be allowed county officers, for the employment of clerks or deputies as provided for in this act, the Board of County Commissioners shall in all cases be governed by registration of legal voters at the last annual election.

SEC. 11. *Be it further enacted,* That this act shall take effect and be in force from after the first Monday in June, A. D. 1869, and that all laws and parts of laws coming in conflict with the provisions of this act, are hereby repealed.

Mr. Bellamy offered the following resolution.

Resolved, That when the Senate adjourns, it adjourn until 10 o'clock to-morrow.

Which was adopted.

On motion by Mr. Hughes, the Senate adjourned.

TUESDAY MORNING, 10 o'clock, }
 March 2, 1869. }

The Senate met.

On motion by Mr. Johnson of Spencer.

The reading of yesterday's Journal was dispensed with.

Mr. Smith moved to take up

House bill No. 11. A bill to create the Twentieth and Twenty-second Judicial Circuits, to fix the times of holding Courts therein, to provide for the election of Judges and Prosecuting Attorneys therein, and also to fix the times of holding the Spring term of the Court of Common Pleas of Miami county, and concur in the amendments reported from the Committee.

Which was agreed to.

Mr. Lasselle offered the following amendment to the amendments reported by the Committee.

Strike out so much of Section 2 of the Committee's amendment as attaches the counties of Pulaski and Stark to the Eleventh Judicial Circuit, and fixing the terms thereof.

Which was not adopted.

Mr. Lasselle offered the following amendment to the amendments reported by the Committee.

To strike out in committee's amendments, all that relates to attaching Stark county to the Eleventh Judicial Circuit, and fixing the times thereof.

Which was not agreed to.

Mr. Armstrong offered the following amendment.

Strike out Pulaski and Stark, and insert Howard.

Which was not agreed to.

Mr. Fosdick moved the previous question, which was seconded by the Senate.

The question then being, shall the main question be now put?

It was agreed to.

The question then recurring upon the House amendments, they were concurred in.

Mr. Fisher moved that the rules be suspended, and the bill read a second time.

Which was agreed to and the bill was read a second time.

Mr. Hooper offered the following amendment.

Amend the bill by striking out Whitley and Kosciusko, wherever they occur in the bill.

Which amendment was adopted.

Mr. Fisher moved to recommit the bill to a select committee, consisting of the Senators in that Judicial Circuit.

Which was agreed to, and the bill was referred to a committee consisting of Messrs. Fisher, Hooper, Smith, Bradley, Armstrong and Lasselle.

Mr. Turner moved that the regular order of business be suspended, and that Engrossed bill No. 255, A bill to save pending suits affected by passage of the act of 1855, to repeal sections 43 and 44 of Will law of 1852, be taken up.

Which was agreed to, and the bill was read a third time.

Mr. Hughes asked and obtained leave to be excused from voting on account of being counsel in the case.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Andrews, Beardsley, Bellamy, Bradley, Carson, Case, Caven, Church, Cravens, Elliott, Fisher, Fosdick, Gifford, Gray, Green, Hadley, Hanna, Hess, Hooper, Howk, Huey, Huffman, Jaquess, Johnson of Spencer, Johnson of Montgomery, Kinley, Lasselle, Lee, Rice, Reynolds, Robinson of Madison, Robinson of Decatur, Scott, Turner, Wolcott and Wood—36.

Those who voted in the negative were,

Messrs. Armstrong, Bird, Denbo, Henderson, Smith and Stein—6.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

The question pending at adjournment, on last evening, being the consideration of the substitute for Senate bill No. 217, as reported by the committee, the same was taken up.

The question being upon the adoption of the amendment to the substitute offered by Mr. Henderson,

It was not agreed to.

The question recurring upon the adoption of the substitute reported by the committee.

Mr. Scott offered the following amendment :

Insert after the 5th section the following words : "*Provided*, that a retiring officer shall be liable to the provisions of this bill after his time has expired, but the incoming officer shall collect the fees of the retiring officer, and shall be entitled to 10 per cent. of the same, to be paid out of the fees of the retiring officer."

Mr. Kinley moved the previous question, which was seconded by the Senate.

The question being upon the adoption of the amendment offered by Mr. Scott.

Which amendment was agreed to.

Mr. Kinley moved that the rules be suspended, and that the bill be read a third time now.

The ayes and noes were taken under the Constitution.

Those who voted in the affirmative were,

Messrs. Armstrong, Beadsley, Bellamy, Bradley, Carson, Case, Caven, Church, Cravens, Denbo, Elliott, Fisher, Fosdick, Gray, Green, Hadley, Hamilton, Hanna, Henderson, Hess, Howk, Huffman, Jaquess, Johnson of Spencer, Johnson of Montgomery, Kinley, Lasselle, Lee, Reynolds, Robinson of Madison, Robinson of Decatur, Scott, Sherrod, Stein, Turner, Wolcott and Wood—39.

Those who voted in the negative were,

Messrs. Bird, Hooper, Huey, Hughes and Smith—5.

So the rules were suspended, and the bill was read a third time.

On motion of Mr. Cravens, the Senate adjourned.

MONDAY, 2 O'CLOCK, P. M.

The Senate met

The President laid before the Senate the following message from the Governor:

EXECUTIVE DEPARTMENT, }
Indianapolis, March 1, 1869. }

MR. PRESIDENT:

I am directed by the Governor to inform the Senate that enrolled act of the Senate, No. 27, entitled "An act authorizing the Bristol Hydraulic Company to erect a dam across the St. Joseph river, at or near Bristol," became a law on this the first day of March, 1869, without the Governor's approval, by reason of the same not having been returned to the Senate, with his objections, within three days, Sundays excepted, after it was presented to the Governor for his consideration, and that said act has been deposited in the office of the Secretary of State.

JOHN. M. COMMONS,
Private Secretary.

EXECUTIVE DEPARTMENT, }
Indianapolis, March 2, 1869. }

MR. PRESIDENT:

I am directed by the Governor to respectfully inform the Senate, that he has approved and signed Enrolled Act of the Senate, No. 55, entitled "An act creating the Twenty-fourth Judicial Circuit, providing for the election of a Judge thereof, and providing compensation therefor, declaring the jurisdiction of said Court, and providing for a transfer of actions thereto, and declaring an emergency."

Also, Enrolled act of the Senate No. 96, entitled "An act prohibiting Supreme, Circuit or Common Pleas Judges, Clerks of the Circuit Court, Clerks of the Court of Common Pleas, Auditors, Treasurers, Recorders, Sheriffs, and their Deputies, from practicing law in any of the Courts in this State, except as in this act permitted, and prescribing punishment for the violation thereof," and that

the same have been deposited in the office of the Secretary of State.

JOHN M. COMMONS,

Private Secretary.

Mr. Stein offered the following proposition:

I am authorized to inform the Senate, that John Purdue, Esq., of Lafayette, Indiana, will out of his own purse, contribute \$100,000 cash, in addition to the moneys and property already offered by Tippecanoe County and two associations in said county for the use and benefit of the Agricultural College, provided the same is located at the Battle Ground, and shall by law have his sur-name identified with the incorporate name of the College.

Which was referred to the Joint Committee on Education and Agriculture.

Message from the House, by Mr. Merwin, clerk thereof.

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate, that the House has passed the following Engrossed Bills thereof, to-wit:

Engrossed House bill No. 42. A bill to amend section twenty-one of an act entitled "An act to authorize a company to construct the Aurora and Laughery Turnpike," approved February 15, 1848.

House bill No. 100. "A bill to amend the 10th section of an act providing for the election and qualification of Justices of the Peace, and defining their jurisdiction, powers, and duties in civil cases," approved June 9, 1865.

House bill No. 146. "A bill requiring Township Trustees to examine the docket of Justices of the Peace, as to their delinquency in paying over fines to the proper officers."

House bill No. 178. A bill to amend section five of an act entitled "An act to provide for the more uniform mode of doing Township business, and prescribing the time of electing Township Trustees, and declaring an emergency."

House bill No. 179. A bill repealing section 1 of an act entitled "An act prescribing the number and defining the powers and duties of Constables and prescribing the times of electing the same."

House joint resolution No. 7. A joint resolution instructing our Senators and requesting our Representatives in Congress to secure the passage of a law granting land warrants to soldiers and sailors in the late war for the suppression of the rebellion.

Mr. Wolcott moved that House bills No. 251 and 273 be taken up, read a first time, and referred to the Committee on Finance.

Which was agreed to.

Mr. Green moved that House bill No. 160 be taken from the table and referred to the Committee on Corporations.

Which was agreed to.

Mr. Caven moved that the claim of Martin Igo be taken from the table and referred to the Committee on Finance.

Which was agreed to.

By unanimous consent of the Senate,

Mr. Cravens introduced Senate bill No. 305. An act supplemental to an act entitled An act appointing Commissioners to sell certain real estate, and to make him an allowance in lieu thereof until the same is provided, and matters properly connected therewith, approved February 25th, 1865, and to repeal the 6th section of said act.

Which was read a first time and referred to the Committee on Public Buildings.

Mr. Elliott moved to suspend the order of business and take up Senate bill No. 290.

Which was not agreed to.

By unanimous consent

Mr. Kinley offered the following amendments to the substitute for Senate bill No. 217:

Amend line 16, section 2 by striking out the word "apparently" and insert the words "shown to be."

Amend section 4 by inserting after the word "over," in line 6, the words "to the Treasurer of the county."

Also, by inserting after the word "bond," in line 12, the following: "In the name of the State of Indiana, in the relation of the

Board of Commissioners of the county where such suit shall be instituted."

Add a section declaring an emergency, to-wit:

Section —. It is hereby declared that an emergency exists, and this act is to take effect and be enforced from and after this date.

Which was adopted.

The question being shall the bill pass?

Those who voted in the affirmative were,

Messrs. Andrews, Armstrong, Beardsley, Bellamy, Bird, Carson, Case, Caven, Church, Elliott, Fosdick, Gifford, Gray, Green, Hamilton, Hanna, Henderson, Hess, Huey, Huffman, Jaquess, Johnson of Spencer, Kinley, Lasselle, Reynolds, Robinson of Madison, Robinson of Decatur, Scott, Wolcott and Wood—30.

Those who voted in the negative were,

Messrs. Bradley, Cravens, Denbo, Fisher, Hughes, Hooper, Howk, Johnson of Montgomery, Lee, Montgomery, Rice, Smith, Stein and Turner—14.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

Mr. Stein moved that the regular order of business be suspended, and that Senate bills on third reading be taken up.

Which was agreed to.

Mr. Bradley moved to take up Senate bill No. 54 and place it upon the files.

Which was agreed to.

SENATE BILLS ON THIRD READING.

Re-engrossed Senate bill No. 64. An act authorizing voluntary associations formed under an act entitled "An act concerning the organization of voluntary associations and repealing former laws in reference thereto," passed Feb. 12, 1855, to acquire title to lands that have heretofore been used for burial places.

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Andrews, Armstrong, Beardsley, Bellamy, Bradley, Carson, Case, Caven, Church, Cravens, Elliott, Fisher, Fosdick, Gifford, Green, Hadley, Hamilton, Henderson, Hess, Hooper, Howk, Huey, Huffman, Jaquess, Johnson of Spencer, Johnson of Montgomery, Kinley, Lasselle, Lee, Rice, Reynolds, Robinson of Madison, Robinson of Decatur, Scott, Smith, Stein, Wolcott and Wood—38

Those who voted in the negative were,

Messrs. Denbo, Gray, Hughes and Turner—4.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

Engrossed House bill No. 50. An act providing for the collection of forfeited recognizances.

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Andrews, Armstrong, Bellamy, Case, Caven, Church, Cravens, Elliott, Fisher, Fosdick, Gifford, Green, Hadley, Hamilton, Hanna, Hess, Hooper, Huey, Huffman, Hughes, Jaquess, Johnson of Spencer, Johnson of Montgomery, Kinley, Lee, Montgomery, Rice, Reynolds, Robinson of Madison, Robinson of Decatur, Scott, Smith, Stein, Wolcott and Wood—35.

Those who voted in the negative were,

Messrs. Beardsley, Bird, Bradley, Carson, Denbo, Gray, Henderson, Howk, and Lasselle—9.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

Senate bill No. 54. "A bill to authorize and empower cities to

establish public parks, and to acquire title to land for that purpose."

Was read a third time.

By unanimous consent of the Senate, Mr. Hughes offered the following amendment:

Provided, "The provisions of this law shall not apply to any land in which the State or any Trust Fund is interested, nor to any lands dedicated to the purpose of education."

Which was adopted.

By unanimous consent of the Senate, Mr. Carson offered the following amendment:

And Provided, "That the Common Council may sell any such lands, or any lands heretofore acquired for a park, when the same shall not be necessary for that purpose, except as herein provided."

Which was adopted.

Mr. Carson moved the previous question, which was seconded by the Senate.

The question being, shall the main question be now put?

Which was agreed to.

The question then being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Beardsley, Bradley, Carson, Caven, Church, Cravens, Howk, Jaquess, Lasselle, Reynolds, Robinson of Madison, Scott, Smith, Stein, Turner, and Wolcott—16.

Those who voted in the negative were,

Messrs. Andrews, Armstrong, Bellamy, Bird, Case, Denbo, Fisher, Fosdick, Gifford, Gray, Green, Hadley, Hamilton, Hanna, Henderson, Hess, Huey, Hughes, Humphreys, Johnson of Spencer, Johnson of Montgomery, Kinley, Lee, Montgomery, Rice, Robinson of Decatur, and Wood—28.

So the bill failed.

Mr. Hughes moved to reconsider the vote.

Mr. Gray moved to lay that motion upon the table.

The ayes and noes were demanded by Messrs. Gray, and Johnson of Spencer.

Those who voted in the affirmative were,

Messrs. Andrews, Gray, and Johnson of Spencer—3.

Those who voted in the negative were,

Messrs. Armstrong, Beardsley, Bellamy, Bird, Bradley, Carson, Case, Caven, Church, Cravens, Denbo, Elliott, Fisher, Fosdick, Gifford, Green, Hadley, Hamilton, Hanna, Henderson, Hess, Hooper, Hawk, Huey, Hughes, Humphreys, Jaquess, Kinley, Lasselle, Lee, Montgomery, Rice, Reynolds, Robinson of Madison, Robinson of Decatur, Scott, Smith, Stein, Turner, Wolcott, and Wood—41.

So the motion to lay the motion to reconsider, upon the table, did not prevail.

Mr. Lasselle moved to take Senate bill No. 130, "An act to revise and amend section 6 of the plank, macadamized and gravel road law of 1852," from the table, and place it upon the files.

Which was agreed to.

Engrossed Senate bill No. 152. A bill to amend section two of an act to provide for the protection of wild game, and defining the time in which the same may be taken or killed, and declaring the penalty for the violation of this act, and repealing all laws inconsistent herewith, approved March 11th, 1867.

Was read a third time.

The question being shall the bill pass?

Those who voted in the affirmative were,

Messrs. Beardsley, Bellamy, Bradley, Carson, Case, Church, Elliott, Gifford, Hadley, Hamilton, Hanna, Hawk, Humphreys, Jaquess, Johnson of Spencer, Johnson of Montgomery, Montgomery, Rice, and Reynolds—19.

Those who voted in the negative were,

Messrs. Andrews, Armstrong, Bird, Cravens, Caven, Denbo, Fisher, Fosdick, Gray, Green, Henderson, Hess, Hooper, Huey, Huffman, Hughes, Kinley, Lasselle, Lee, Robinson of Madison, Robinson of Decatur, Scott, Sherrod, Stein, Turner, and Wood—28.

So the bill failed.

Engrossed Senate bill No. 239. An act authorizing the classification of the Board of Directors of Railroad Companies.

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Andrews, Armstrong, Beardsley, Bellamy, Bird, Bradley, Carson, Case, Caven, Church, Cravens, Denbo, Elliott, Fisher, Fosdick, Gifford, Gray, Green, Hadley, Hamilton, Hanna, Henderson, Hess, Hooper, Hawk, Huey, Huffman, Hughes, Humphreys, Jaquess, Johnson of Montgomery, Kinley, Lee, Rice, Robinson of Madison, Robinson of Decatur, Scott, Stein, Turner, and Wolcott—40.

Those who voted in the negative were,

Messrs. Johnson of Spencer, Montgomery, Sherrod, and Wood—5

So the bill passed.

Ordered, That the Secretary inform the House thereof.

Engrossed Senate bill No. 134. A bill to authorize and encourage the construction of levies, dikes, and drains, and the reclamation of wet and overflowed lands by incorporated associations, and to repeal all former laws relating to the same subject.

Was read a third time.

Mr. Hughes moved the previous question.

Which was seconded by the Senate.

The question being shall the main question be now put?

Which was agreed to.

The question then being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Armstrong, Bird, Bradley, Caven, Denbo, Henderson, Hooper, Howk, Kinley, Lee, Montgomery, Reynolds and Turner—13.

Those who voted in the negative were,

Messrs. Andrews, Carson, Case, Church, Cravens, Fisher, Fosdick, Gifford, Gray, Green, Hadley, Hamilton, Hanna, Hess, Huey, Huffman, Hughes, Humphreys, Jaquess, Johnson of Spencer, Johnson of Montgomery, Lasselle, Rice, Robinson of Madison, Robinson of Decatur, Scott, Sherrod, Smith, Stein, Wolcott and Wood—31.

So the bill failed to pass.

Mr. Carson moved a re-consideration of the vote.

Which was agreed to.

Mr. Carson moved that the bill be re-committed to the Committee on Corporations with instructions.

Which was agreed to.

Senate bill No. 211. "An act defining what counties shall constitute the Eighth Judicial Circuit, and fixing the terms of holding the Courts therein."

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Andrews, Armstrong, Beardsley, Bellamy, Bird, Case, Caven, Church, Cravens, Elliott, Fisher, Fosdick, Gray, Green, Hadley, Hamilton, Hess, Hooper, Howk, Hughes, Jaquess, Kinley, Rice, Robinson of Madison, Robinson of Decatur, Scott, Stein, Wolcott and Wood—29.

Those who voted in the negative were,

Messrs. Bradley, Denbo, Hanna, Henderson, Huey, Huffman, Humphreys, Johnson of Montgomery, Lasselle, Lee, Montgomery, Reynolds and Smith—14.

So the bill passed.

S. J.—41

Ordered, That the Secretary inform the House thereof.

Senate bill No. 223. "An act appropriating the sum of fifteen thousand dollars for the completion of the building now occupied by the Officers of State and the Supreme Court, and belonging to the State, and for paving the sidewalks fronting and around the same."

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Andrews, Armstrong, Beardsley, Bellamy, Bradley, Carson, Case, Caven Church, Cravens, Elliott, Fisher, Fosdick, Gifford, Gray, Green, Hadley, Hamilton, Hess, Hooper, Howk, Huey, Hughes, Jaquess, Johnson of Spencer, Kinley, Lasselle, Rice, Reynolds, Robinson of Madison, Robinson of Decatur, Scott, Stein, Wolcott and Wood—34.

Those who voted in the negative were,

Messrs. Bird, Denbo, Henderson, Huffman, Humphreys, Johnson of Montgomery, Lee, Montgomery and Sherrod—9.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

Engrossed Senate bill No. 161. A bill to provide for the organization of Savings Banks, and the safe and proper management of their affairs.

Was read a third time.

Mr. Stein, by unanimous consent of the Senate, offered the following amendments:

Amend section 32, by inserting after the word "dollars," in the second line, the word "or."

Amend section 34, by striking out of the fifth line the words "provided in section 17," and inserting the words "hereinbefore provided."

Amend section 53 (printed bill), by inserting after the word "offence," in the fifth line the following clause, "to the Treasurer of the County for the use of the Common School Fund."

Also amend the same section by striking out all the words contained in the seventh line, and substituting therefor the following words, viz.: "Suit brought by such Treasurer in any Court of competent jurisdiction."

Which were adopted.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Andrews, Armstrong, Beardsley, Bellamy, Bird, Bradley, Carson, Case, Caven, Church, Cravens, Denbo, Elliott, Fisher, Fosdick, Gifford, Gray, Green, Hadley, Hamilton, Hess, Hooper, Howk, Huey, Huffman, Jaquess, Kinley, Lasselle, Lee, Rice, Reynolds, Robinson of Madison, Robinson of Decatur, Scott, Stein, Wolcott and Wood—36.

Those who voted in the negative were,

Messrs. Hanna, Johnson of Spencer, Johnson of Montgomery, Montgomery, Sherrod, Smith and Turner—7.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

Engrossed Senate bill No. 238. A bill to amend section 200 of chapter one of an act entitled an act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the Courts of this State; to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity, approved June 18, 1852, and declaring an emergency.

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Andrews, Armstrong, Beardsley, Bellamy, Bradley, Carson, Caven, Church, Cravens, Elliott, Fisher, Fosdick, Gifford, Gray, Green, Hadley, Hamilton, Hanna, Henderson, Hess, Hooper, Howk, Huey, Huffman, Jaquess, Johnson of Spencer, Johnson of Montgomery, Kinley, Lasselle, Lee, Rice, Reynolds, Robinson of

Madison, Robinson of Decatur, Scott, Smith, Stein, Turner, Wolcott and Wood—40.

Those who voted in the negative were,

Messrs. Bird and Montgomery—2.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

Engrossed Senate bill No. 159. An act to revise and codify the laws of this State.

Was read a third time.

On motion by Mr. Lasselle, the blanks in the bill were filled by inserting \$10 per day.

Mr. Lasselle moved to amend by making the pay of the Clerk \$5 per day.

Which was adopted.

Mr. Fosdick moved the previous question.

Which was seconded by the Senate.

The question being, shall the main question be now put?

Which was agreed to.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Andrews, Bellamy, Bradley, Carson, Hadley, Hooper, Howk, Lasselle, Robinson of Madison, Scott and Wolcott—11.

Those who voted in the negative were,

Messrs. Armstrong, Beardsley, Bird, Case, Caven, Church, Cravens, Denbo, Elliott, Fisher, Fosdick, Gifford, Gray, Green, Hamilton, Hanna, Henderson, Hess, Huey, Huffman, Hughes, Jaquess, Johnson of Spencer, Johnson of Montgomery, Kinley, Lee, Montgomery, Rice, Reynolds, Robinson of Decatur, Sherrod, Smith, Stein, Turner and Wood—38.

So the bill failed.

Mr. Stein offered the following resolution :

Resolved, That when the Senate adjourns, it adjourn to meet at 10 o'clock, A. M., on to-morrow.

Which was adopted.

Message from the House, by Mr. Merwin, Clerk thereof.

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the House has passed the following bills thereof, to-wit :

House Bill No. 114. A bill to amend the 5th section of an act, approved March 6th, 1865, entitled " An act to provide for a general system of common schools, the officers thereof, and their respective powers and duties and matters properly connected therewith, and prescribing the fees for certain officers therein named, and for the establishment and regulation of township libraries, and to repeal all laws inconsistent therewith, providing penalties therein prescribed.

House bill No. 140. A bill repealing certain sections of an act to provide for the registry of voters, and declaring their residence, etc., etc., and prescribing further duties of the officers of election.

House bill No. 165. A bill providing for a Geological Survey of the State, and for the collection and preservation of a geological and mineralogical cabinet, and creating the office of State Geologist.

On motion by Gifford, the Senate adjourned.

WEDNESDAY, March 3d, 1869, }
 10 O'CLOCK, A. M. }

Senate met.

The Journal of yesterday was partially read, when

On motion of Mr. Church, the further reading thereof was dispensed with.

Mr. Robinson of Decatur, moved that the regular order of business be suspended, and Engrossed Senate bill No. 290, "A bill creating the 26th Judicial Circuit and fixing the times of holding courts therein; and fixing the times of holding the courts in the 4th Judicial Circuit, be taken up and read a third time.

Which was agreed to, and the bill was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Andrews, Armstrong, Beardsley, Bellamy, Bradley, Case, Caven, Church, Cravens, Denbo, Elliott, Fisher, Fosdick, Gifford, Gray, Green, Hadley, Hamilton, Henderson, Hess, Hooper, Hawk, Huey, Huffman, Humphrey, Jaquess, Johnson of Spence, Johnson of Montgomery, Kinley, Lee, Montgomery, Rice, Reynolds, Robinson of Madison, Robinson of Decatur, Scott, Stein, Wolcott and Wood—38.

Those who voted in the negative were,

Messrs. Bird, Carson and Hughes—3.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

Message from the House, by Mr. Merwin, Clerk thereof.

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate, that the House has passed the following Engrossed bills thereof, to-wit:

House bill No. 103. A bill declaring certain contracts to pay attorney fees void.

Also, House bill No. 147. A bill to provide for the care of certain idiots.

In all of which the concurrence of the Senate is respectfully requested.

On motion of Mr. Denbo, Senate bill No. 292, "An act to transfer the county of Brown from the First to the Second Judicial Circuit, to provide for the time of holding court therein, and to repeal all laws in conflict with this act, and declaring an emergency."

Was taken up.

Mr. Denbo moved that the rules be suspended, and that the bill be read a second and third time now.

The ayes and noes were taken, under the constitution.

Those who voted in the affirmative were,

Messrs. Andrews, Beardsley, Bellamy, Bird, Bradley, Carson, Case, Caven, Church, Cravens, Denbo, Elliott, Fisher, Gifford, Gray, Green, Hadley, Hamilton, Hanna, Henderson, Hess, Hooper, Hawk, Huey, Huffman, Hughes, Humphreys, Jaquess, Johnson of Spencer, Kinley, Lasselle, Montgomery, Rice, Reynolds, Robinson of Madison, Robinson of Decatur, Scott, Smith, Stein, Wolcott, and Wood—41.

Those who voted in the negative were,

Messrs. Armstrong, Fosdick, Lee, and Turner—4.

So the rules were suspended and the bill read a third time.

The question being, Shall the bill pass?

Those who voted in the affirmative were,

Messrs. Andrews, Armstrong, Beardsley, Bellamy, Bird, Bradley, Carson, Case, Caven, Church, Cravens, Elliott, Fisher, Fosdick, Gifford, Gray, Green, Hadley, Hamilton, Hess, Hooper, Hawk, Jaquess, Johnson of Spencer, Kinley, Rice, Robinson of Madison, Robinson, of Decatur, Scott, and Wolcott—31.

Those who voted in the negative were,

Messrs. Hanna, Henderson, Huey, Huffman, Hughes, Humphreys, Johnson of Montgomery, Lasselle, Lee, Montgomery, Reynolds, and Turner—12.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

Mr. Kinley, from the Committee on Prisons, by unanimous consent of the Senate, made the following report :

MR. PRESIDENT :

The committee to whom was referred Senate bill No. 120, have had the same under consideration and instructed me to make the following report :

Strike out first section, and insert as follows :

There shall be a State Board of Prison Commissioners, consisting of three persons, to be appointed by the Governor, by and with the advice and consent of the Senate, one of whom shall hold his office for three years from and after the first day of March, 1869, and until their successors are elected and qualified. Every fourth year after the first day of March, 1871, there shall be one such Commissioner appointed as aforesaid, to hold their offices for four years, and until their successors are elected and qualified. The members of said Board shall, before entering on the discharge of their duties each take an oath to faithfully discharge their duties of said office, and shall organize by electing one of their members President :

Strike out the word *Managers* wherever it occurs in said bill, and insert the word *Commissioners*.

Amend section sixth by striking out of first line \$200 and insert \$500.

Strike out section eighth.

Amend section ninth by adding the words " and published each year."

Amend section ten by striking out all after the word " provisions," in the third line, except the following words in the proviso : *Provided, however*, that in no case shall cruel and unusual punishment be implied. *

Strike out the paragraph in section eleven commencing with the words "said Board of Managers."

Strike out the proviso in the paragraph in section eleven following the words "said Board of Managers are required to see."

Strike out paragraph marked 8, in section 11, lines 12 to 17 inclusive.

Amend same paragraph by inserting after the words "opportunity for," in line 18, the word "moral."

Also, strike out all after the words "shall be given," in 19th line in same paragraph to line 25 inclusive, except the following, in line 23 and 24: "The Chaplain shall devote his whole time to the interests of the institution." In the same paragraph strike out lines 26 to 37 inclusive, also strike out lines 47 to 55 inclusive.

Add the following sections :

Section —. The Chaplain of said prison shall be able to teach the common branches of an English education.

Section —. The Directors of the State Prison North and South are hereby removed from their respective offices, and said offices are declared to be vacated, provided said vacation shall not take effect until the Boards of Commissioners, as heretofore provided, shall have been appointed and qualified.

Section —. It is hereby declared that an emergency exists, and this act is to take effect and be enforced from and after its passage.

When so amended the committee recommend the bill do pass.

Which report was concurred in.

Mr. Hughes offered by consent of the Senate, the following resolution :

Resolved, That the Senate make the following special order, and proceed to execute the same, all other business being laid aside, commencing at 11 o'clock to-day, the roll of Senators shall be called, and each Senator shall designate one bill by number, whether in Committee or on the files, the Chairman of the Committee on Finance being allowed to designate more than one, to include all revenue and appropriation bills, and that said bills so made shall be taken up in the order named, except that revenue and appropriation bills shall have precedence; and next, bills designated by the Chairmen of Committees from the list, and shall be acted on until

disposed of—this resolution not binding the Senate to suspend the rules in any case—the operation of this resolution to be suspended at 2½ o'clock on Thursday, March 4th, until the special order at that hour be disposed of.

The question being on the adoption of the resolution.

The ayes and noes were demanded by Messrs. Humphreys and Hanna.

Those who voted in the affirmative were,

Messrs. Andrews, Beardsley, Bellamy, Bird, Bradley, Carson, Case, Caven, Church, Cravens, Denbo, Elliott, Fisher, Fosdick, Gray, Green, Hamilton, Hanna, Henderson, Hooper, Huey, Huffman, Hughes, Jaquess, Johnson of Spencer, Johnson of Montgomery, Kinley, Montgomery, Rice, Reynolds, Scott, Smith, Stein, Turner, Wolcott and Wood—36.

Those who voted in the negative were,

Messrs. Armstrong, Hadley, Hess, Howk, Humphreys, Lasselle, Lee, Robinson of Madison and Robinson of Decatur—9.

So the resolution was adopted.

By unanimous consent of the Senate, Mr. Cravens submitted the following report :

MR. PRESIDENT :

The Committee on Canals and Internal Improvements, to whom was referred the amendments of the House of Representatives to Senate bill No. 94, "A bill touching the consolidation of Railroads, and declaring the effect of such consolidation," has had the same under consideration, and directs me to make the following report :

The true intent and meaning of the bill is to declare the effect of the act or acts of consolidation by Railroad companies in this State, which effect is brought about by the operation of the laws of the said Assembly, and the adjudication of the Courts of the State. Its retroactive character is only apparent for the acts of the General Assembly; and the Judicial decision on which the *bill* is based has been the law and in force for many years, and the con-

sequences that are now declared were as legitimately the same upon the passage of the bill under consideration, as they possibly can be after its passage.

Your Committee understand that the office of a declaratory act is not to announce a new law, but to announce and declare the existence and effect of one always in force.

The House of Representatives passed the bill with sundry amendments, one of which, that having reference to leases by Railroad Companies, is already provided for in the bill, and, hence, unnecessary to be re-enacted. The House also amended in several other particulars, having reference to the organization and management of Railroads, which, in the opinion of your Committee, have no legitimate connection with the subject matter of the bill itself, but which, if deemed desirable, should be part and parcel of a revision of the general law for the organization of Railroads and their management, besides, the House amendments Nos. 6, 7 and 8, impose hardships upon Railway Companies, that are not only, in many cases, unjust to the respective companies, but which, if strictly enforced, would materially interfere with the legitimate and wholesome operations of said Roads, and to that extent diminish their power for usefulness to the public interest.

The Committee would, therefore, recommend that the Senate do not concur in the additional sections 6, 7 and 8, proposed by the House as amendments to the bill, but that the Senate will concur in section 9, which provides that nothing in the act shall be so construed as to release any Railroad Company from any liability to the State, or Common School Fund, existing by virtue of their charters or general laws for the payment of any surplus earnings or other profits.

All of which is respectfully submitted.

Mr. Cravens moved that the rules be suspended, and the report of the committee concurred in.

Which was agreed to, and section nine of the engrossed amendments of the House was concurred in.

Mr. Robinson, of Madison, from the Committee on Elections, submitted the following report:

MR. PRESIDENT :

The Committee on Elections, to whom was referred House bill No. 23, entitled "A bill to change the time of holding elections in this State, and to fill all vacancies in office occasioned by the provisions of this act, and declaring an emergency," have had the same under consideration, and do now report the same back to the Senate, and recommend its passage.

Which report was concurred in.

By the unanimous consent of the Senate, Mr. Green, from the Committee on Corporations, made the following report :

MR. PRESIDENT :

The Committee on Corporations, to whom was referred House bill No. 132, entitled "A bill to enable cities to aid in the construction of railroads and water-powers, and declaring an emergency," have had the same under consideration, and do now report the same back to the Senate, and recommend its passage.

Which report was concurred in.

By unanimous consent, Mr. Green, from the Committee on Corporations, made the following report :

MR. PRESIDENT :

The Committee on Corporations, to whom was referred House bill No. 12, a bill to amend section five of an act entitled "An act to provide for the equalizing of the appraisment of the real property of the State of Indiana," approved May 28th, 1862, have had the same under consideration, and do now report the same back to the Senate, with the following amendment :

Strike out the word "Marshall," in the eighth line of the third page, and insert in lieu thereof the word "Blackford."

And when so amended, recommend the passage of the bill.

Which report was concurred in.

Mr. Bellamy, submitted the following report :

MR. PRESIDENT :

The Joint Committee on Education and Agriculture, to whom was referred Senate bill No. 298, entitled "A bill making appro-

priations for the support of the State University, and providing for the diminution of the same in certain contingencies," respectfully return the same to the Senate with the recommendation that line five (5) of section one (1) be amended by striking out the words "twenty-five," after the word "of," and before the word "thousand," and inserting therein the word "ten," making the appropriation "ten thousand," instead of "twenty-five thousand," dollars.

And when so amended, recommend its passage.

Which was concurred in.

Mr. Kinley, from the Special Committee on Southern Prison, submitted the following report:

MR. PRESIDENT:

The committee to whom was referred a resolution of the Senate requiring them to inquire into the management and condition of the Southern State Prison, have made the required investigation, and instructed me to make the following report:

The committee examined a great many witnesses under oath among them most of the officers, many of the employees, and one of the convicts of the Prison.

Much of the testimony was contradictory, but the points as brought out by the testimony, show an amount of corruption, brutality and crime, and this by the officers and employees of the Prison themselves, which, to say the least, is very discreditable to the parties concerned. Two of the Directors of said Prison, Meredith and Ghee, have systematically farmed out their appointments, the Warden, and many of the employees being required to pay a bonus for the privilege of holding their positions.

Your committee found also from the testimony, that the guards and other employees had free access to the female convicts, that the treatment of them has been disgusting, lecherous and brutal. Two witnesses refused to swear that they had not had illicit intercourse with the female convicts. The committee further found that Mr. Meredith, one of the Directors, accepted a bribe or a fee as he preferred to call it, for services in obtaining the pardon of a convict. This fee was to be two thousand dollars in case of success; the prisoner had already paid him ninety dollars for his services, and loaned him four hundred and fifty dollars. In his effort to obtain

the pardon of the prisoner, Mr. Meredith made false representations to the Governor, stating that he had been under great personal obligations to the family of the convict, that the evidence on which he had been convicted was conflicting and uncertain, and that the case was one meriting executive clemency. The Governor ascertained in time to prevent the mischief of pardon, that the representation of Meredith were all false; that his statements concerning his obligations to the family of the convict were sheer fabrications, and refused the pardon.

In this hasty report your committee take great pleasure in stating that Mr. Ferrier, the former Director, Col. Shuler, the present Warden, and Mr. Sullivan, the present chaplain, are exceptions to the above charges of corruption and crime.

Since Col. Shuler took possession of his office, there is evidence of reformation having taken place in the whole management of the Prison, and the Committee are glad to be able to commend him and the Chaplain as conscientious gentlemen and efficient officers. As evidence of the foregoing statements, the committee respectfully refer the Senate to the evidence taken in the examination, a copy of which is herewith submitted.

All of which is respectfully submitted.

ISAAC KINLEY,
THOMAS GIFFORD,
F. G. ARMSTRONG.

Which report was concurred in.

SPECIAL ORDER.

The hour of 11 o'clock having arrived, the Secretary proceeded with a call of the roll of Senators, in pursuance of the provisions of Mr. Hughes' resolution.

Armstrong, H. B. No. 23.

Beardsley, H. B. No. 60.

Bellamy, S. B. No. 244.

Bird, S. B. No. 284.

Bradley, S. B. No. 134.

Carson.

Case, S. B. No. 234.

Caven, H. B. No. 62.

Church, S. B. No. 246.

Cravens.

Denbo, S. B. No. 51.

Elliott, H. B. No. 50.

Fisher.

Fosdick, S. B. No. 122.

Gifford, S. B. No. 120.

Gray, S. B. No. 295.

Green, H. B. No. 160.

Hadley, S. B. No. 191.

Hamilton, S. B. No. 229.

Hanna, H. B. No. 65.

Henderson.

Hess, S. B. No. 75.

Hooper, H. B. No. 158.

Howk.

Huey S. B. 215.

Huffman, S. B. No. 82.

Hughes, S. B. No. 298.

Humphreys, H. B. No. 110.

Jaquess, H. B. 114.

Johnson of Spencer, H. B. No. 176.

Johnson of Montgomery, S. B. No. 245.

Kinley, S. B. No. 36.

Lasselle, S. B. No. 130.

Lee, H. B. 100.

Montgomery.

Morgan.

Reynolds.

Robinson of Madison. H. B. No. 183.

Robinson of Decatur.

Scott, S. B. No. 45.

Smith, H. B. No. 203.

Stein, S. B. No. 156.

Turner, S. B. No. 165.

Wolcott, S. B. No. 210.

Wood, H. B. No. 140.

Engrossed Senate bill No. 234. "A bill to legalize and declare valid the acknowledgment of certain deeds of conveyance, and other instruments in writing, which have been recorded in any of the recorders' offices of the several counties of this State, and which by reason of certain informalities in the certificates of acknowledgment, or the authentication thereof, were not entitled to record."

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Andrews, Armstrong, Beardsley, Bird, Bradley, Carson, Case, Caven, Cravens, Denbo, Elliott, Fisher, Fosdick, Gifford, Gray, Green, Hadley, Hamilton, Hanna, Henderson, Hess, Hooper, Howk, Huey, Hufman, Hughes, Humphreys, Jaquess, Johnson of Spencer, Johnson of Montgomery, Kinley, Lasselle, Lee, Rice,

Reynolds, Robinson of Madison, Robinson of Decatur, Scott, Stein, Wolcott and Wood—42.

No Senator voted in the negative.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

Engrossed Senate bill No. 97, as designated by Mr. Bellamy, was then taken up.

“An act making an appropriation of \$413,599 48, to pay the claims of sufferers by the Morgan Raid,” and was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Andrews, Bellamy, Case, Caven, Cravens, Denbo, Elliott, Gifford, Green, Hamilton, Hanna, Howk, Huey, Huffman, Jaquess, Laselle, Lee, Robinson of Madison, Stein and Turner—20.

Those who voted in the negative were,

Messrs. Armstrong, Beardsley, Bird, Bradley, Carson, Church, Fisher, Fosdick, Gray, Hadley, Henderson, Hess, Hooper, Hughes, Humphreys, Johnson of Spencer, Johnson of Montgomery, Rice, Reynolds, Scott, Smith, Wolcott and Wood—24.

So the bill failed.

Senate bill No. 23. “A bill to change the time of holding elections in this State, and to fill all vacancies in office occasioned by the provisions of this act, and declaring an emergency.

Was read a second time, and passed to a third reading on tomorrow.

Mr. Cravens moved to vote on all bills without debate.

Which was agreed to.

Mr. Wolcott, from the Committee on Finance, made the following report:

MR. PRESIDENT:

The Committee on Finance, to whom was referred House bill No. 273, "A bill to raise revenue for State purposes for the years 1869 and 1870, and for subsequent years," have had the same under consideration, and direct me to report it back and recommend its passage.

Which report was concurred in.

Mr. Wolcott moved a suspension of the rules, and that the bill be read a second time now.

The ayes and noes were taken under the Constitution.

Those who voted in the affirmative were,

Messrs. Andrews, Armstrong, Beardsley, Bellamy, Case, Caven, Church, Cravens, Elliott, Fisher, Fosdick, Green, Hadley, Hamilton, Hess, Hooper, Hughes, Johnson of Spencer, Kinley, Rice, Reynolds, Robinson of Madison, Robinson of Decatur, Scott, Stein, Wolcott and Wood—27.

Those who voted in the negative were,

Messrs. Bird, Bradley, Carson, Denbo, Gifford, Hanna, Henderson, Howk, Huey, Humphreys, Huffman, Johnson of Montgomery, Laselle, Lee, Montgomery and Turner—16.

So the rules were suspended, and the bill was read a second time, ordered to be engrossed, and passed to a third reading on to-morrow.

Mr. Wolcott, from the Committee on Finance, submitted the following report:

MR. PRESIDENT:

The Committee on Finance, to whom was referred House bill No. 251, "A bill legalizing the assessment of taxes for State Debt Sinking Fund purposes for the years 1867 and 1868, and declaring what amount shall be assessed and collected for the same purpose for the years 1869 and 1870, and making certain provisions as to the appli-

cation of said tax," have had the same under consideration, and direct me to report it back and recommend its passage.

Engrossed House bill No. 251. A bill legalizing the assessment of taxes for State Debt Sinking Fund purposes for the years 1867 and 1868, and declaring what amount shall be assessed and collected for the same purpose for the years 1869 and 1870, and making certain provisions for the application of said tax, as designated by Mr. Wolcott, was taken up and read a second time.

Mr. Carson offered the following amendment :

Amend section 2 by inserting the words 5 cents wherever 10 cents occurs.

Mr. Hughes moved the previous question.

Which was seconded by the Senate.

The ayes and noes were demanded by Messrs. Turner and Johnson of Montgomery.

Those who voted in the affirmative were,

Messrs. Bird, Bradley, Carson, Caven, Denbo, Gifford, Hanna, Henderson, Howk, Huey, Humphreys, Johnson of Montgomery, Lasselle, Lee, Montgomery, Smith, and Turner—17.

Those who voted in the negative were,

Messrs. Andrews, Armstrong, Beardsley, Bellamy, Case, Church, Cravens, Elliott, Fisher, Fosdick, Gray, Green, Hamilton, Hess, Hooper, Hughes, Jaquess, Johnson of Spencer, Kinley, Rice, Reynolds, Robinson of Madison, Robinson of Decatur, Scott, Stein, Wolcott, and Wood—28.

So the amendment was not adopted.

Mr. Hanna, moved to lay the bill on the table, and that 200 copies be printed.

Which was not agreed to.

The bill was then ordered engrossed and passed to a third reading on to-morrow.

On motion by Mr. Armstrong, the Senate adjourned.

WEDNESDAY, 2 O'CLOCK P. M.

The Senate met.

Mr. Carson, from the Committee on Corporations, made the following report:

MR. PRESIDENT:

The Committee on Corporations, to whom was referred House bill No. 50, entitled "An act to amend an act incorporating cities and towns," have had the same under consideration, and do now report the same back to the Senate, and recommend its passage.

Which report was concurred in.

Mr. Scott moved to concur in the House amendment to the resolution granting a copy of the "Adjutant General's Report" to employees of the General Assembly who have served in the army or navy.

Which was agreed to.

Mr. Hooper, from the Committee on Corporations, made the following report:

MR. PRESIDENT:

The Committee on Corporations, to whom was referred Senate bill No. 137, entitled "An act requiring plank, macadamized or gravel road companies to secure three-fifths of the stock necessary to construct the same, before making assessments therefor, providing how assessments shall be made, regulating tolls thereon, and declaring an emergency," have had the same under consideration, and do now report the same back to the Senate, and recommend that it lie on the table, its provisions being embraced in another bill on the same subject.

Which report was concurred in.

Mr. Johnson of Spencer, from the Committee on Rights and Privileges of the Inhabitants of the State, made the following report:

MR. PRESIDENT:

The Committee on Rights and Privileges, to whom was referred House bill No. 123, entitled "An act to amend section three of an act entitled an act to require surviving partners to file inventories and appraisements, in the office of the Clerk of the Court of Common Pleas, and to report the liabilities of the firm," approved March 5, 1859, have had the same under consideration, and have directed me to return it, and recommend its passage.

Which report was concurred in.

Mr. Jaquess, from Committee on Township and County Business, submitted the following report:

MR. PRESIDENT:

The Committee on County and Township Business, to whom was referred House bill No. 40, "A bill to enable County Commissioners to demand, sue for, and receive any bounty fund which may have been raised by the citizens of any county in the State, and which remains unexpended or not accounted for, and declaring an emergency," have had the same under consideration, and have instructed me to report the same back, and recommend its passage.

Which report was concurred in.

Mr. Gifford submitted the following report:

MR. PRESIDENT:

The Committee on County and Township Business, to whom was referred Senate bill No. 299, an act to amend section one of an act entitled an act fixing compensation of township assessors, approved March 6, 1865, have had the same under consideration, and have directed me to report the bill back and recommend that it lie on the table.

Which report was concurred in.

Mr. Gray submitted the following report:

MR. PRESIDENT:

The Committee on Corporations, to whom was referred Senate bill No. 296, entitled a bill to enable railroad companies to issue

bonds; to sell them to cities, towns and counties, and to authorize cities, towns and counties to issue bonds with which to buy such railroad bonds, have had the same under consideration, and do now report the same back to the Senate, and recommend that it lie on the table.

Which report was concurred in.

Mr. Bellamy, from the Joint Committee on Agriculture, submitted the following report :

MR. PRESIDENT :

The Joint Committee on the Agricultural College, to whom was referred Senate bill No. 289, locating said College at the City of Indianapolis, have had the same under consideration, and instructed me to report it back together with the accompanying papers, with the recommendation that it lie on the table.

Which report was concurred in.

Mr. Hadley submitted the following report :

MR. PRESIDENT :

The Committee on Military Affairs, to whom was referred Senate bill No. 273, entitled "an act to authorize the issuing of arms and equipments to regularly incorporated military companies," have had the same under consideration, and have directed me to report the same back to the Senate, with the recommendation that it lie upon the table.

Which report was concurred in.

Mr. Robinson of Decatur submitted the following report :

MR. PRESIDENT :

The Committee on Roads, to whom was re-committed Senate bill No. 82, a bill allowing an increased rate of tolls on turnpike, plank and macadamized roads, in certain cases, and repealing conflicting laws, have considered the same, and have instructed me to report the same, with the following amendment :

Strike out the word "increased," in the 20th line, and when so amended recommend its passage.

Which report was concurred in.

Mr. Case from the Committee on County and Township Business, made the following report :

MR. PRESIDENT :

The Committee on County and Township Business, to whom was referred House bill No. 135, "An act to provide for the disposition of moneys in the State Treasury to the credit of estates without heirs," having had the same under consideration, have instructed me to report the same back to the Senate, and recommend that it lie on the table.

Which report was concurred in.

Mr. Bradley from the Committee on Claims, made the following report :

MR. PRESIDENT :

The Committee on Claims, to whom was referred the claim of W. H. Talbott and Mrs. E. C. Costigan, which is herewith returned, have had the same under consideration, and from the evidence before them, the majority of your Committee are of the opinion that the same is a joint claim against the State, and that the claimants ought to be allowed the sum of five thousand two hundred and two dollars and fifty cents, (\$5,202.50,) with interest thereon from June 3d, 1862, and they recommend that the same be referred to the Committee on Finance, with instructions to incorporate the same in the appropriation bill.

Which report was concurred in.

Mr. Johnson of Montgomery, submitted the following report

MR. PRESIDENT :

The Committee on County and Township Business, to whom was referred Senate bill No. 237, A bill to repeal section 119 of an act entitled "An act to provide for the valuation and assessment of the real and personal property, and the collection of taxes in the State of Indiana, &c.," have had the same under consideration, and have directed me to report the same back, and recommend that it lie on the table.

Which report was concurred in.

Mr. Denbo from the Committee on County and Township Business, made the following report:

MR. PRESIDENT :

The Committee on County and Township Business, to whom was referred Senate bill No. 287, An act to amend section five of an act entitled "An act to render uniform the assessment of personal property in the several townships of the different counties," approved December 19, 1865.

Which report was concurred in.

Mr. Denbo from the Committee on Claims, submitted the following report :

MR. PRESIDENT :

The Committee on Claims, to whom was referred House bill No. 139, "An act for the relief of Nicholas Morebeck and Joseph Wetzler," have had the same under consideration, and I am instructed to report the same back, recommending its passage.

Which report was concurred in.

Mr. Johnson of Spencer, submitted the following report :

MR. PRESIDENT :

The Committee on Rights and Privileges, to whom was referred Senate bill No. 267, "An act to prevent the destruction and larceny of timber, and prescribing punishment therefor," have had the same under consideration, and have directed me to report the same back, with the recommendation that same lie on the table.

Which report was concurred in.

Mr. Case from the Committee on County and Township Business, made the following report :

MR. PRESIDENT :

The Committee on County and Township Business, to whom was referred Senate bill No. 303, "A bill amending section 17 of an act providing for the organization of County Boards, &c.," have had the same under consideration, have instructed me to re-

port the same back to the Senate, and recommend that the same lie on the table.

Which report was concurred in.

Mr. Robinson of Decatur, submitted the following report :

MR. PRESIDENT :

The Committee on Roads to which was referred House bill No. 110, a bill to amend section 47, of an act to provide for opening, vacating and change of highways, approved June 17th, 1852, report that they have had the same under consideration, and respectfully recommend its passage.

Which report was concurred in.

Mr. Armstrong from the Committee on Roads, submitted the following report :

MR. PRESIDENT :

The Committee on Roads to whom was referred Senate bill No. 245, entitled an act to amend section 16 of an act providing for the election or appointment of supervisors of highways and prescribing certain of their duties, and those of county and township officers in relation thereto, approved March 5th, 1852, have had the same under consideration, and have directed me to report the same back and recommend its passage.

Which report was concurred in.

Mr. Hamilton submitted the following report :

MR. PRESIDENT :

The Committee on Military Affairs to whom was referred the report of the Indiana Military Claim Agent, have had the same under consideration, and have directed me to make the following report and recommendation thereon.

Your Committee find that there has been collected through this agency, for the benefit of soldiers and their representatives, more than one million of dollars, and they are convinced that many claims have been paid, that would not have been paid through any other agency, and whereas there are now upon the books of the

agency about one thousand unsettled claims, and whereas, intricate and difficult claims from all parts of the State are coming in at the rate of three per day; therefore, your Committee recommend the adoption of the following resolution:

Resolved, That the Committee on Finance be and they are hereby instructed to incorporate in the general appropriation bill the sum of \$1,500 to be appropriated to close up the business of the agency.

Which was referred to the Committee on Finance.

MR. PRESIDENT:

The Special Committee to whom was referred a resolution of the Senate, requiring said Committee "to ascertain the aggregate amount of salary, fees and perquisites received by each of the State officers, to-wit: Auditor, Treasurer and Secretary of State," have had the same under consideration and have instructed me to report.

That said Committee interrogated the late Auditor, T. B. McCarty, who furnished the following statement as to the salary, fees and perquisites for the year, 1868.

Salary of Auditor.....	\$ 4,000 00
Salary for management of Sinking Fund.....	4,000 00
Perquisites outside of salary.....	4,500 00

Total.....	\$11,500 00
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Deduct:

Clerk Hire for Sinking Fund.....	\$2,000 00
Clerk Hire for Insurance.....	500 00 2,500 00

Total pay.....	\$9,000 00
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Of perquisites mentioned above, all except three hundred dollars is derived from foreign insurance companies, and not out of the Treasury or from the taxpayers of our State.

Mr. McCarty suggests that under the law the Sinking Fund will be wound up in 1870, and with that of course the salary ceases, thereby reducing the salary to \$4,000.

Nathan Kimball, State Treasurer, states as follows :

Salary, as fixed by law	\$3,000 00
Salary for managing Bank Securities.....	800 00
Office Expenses, including Exchange on New York....	1,000 00
Clerk Hire allowed by law.....	1,500 00
Total	<u>\$6,300 00</u>

From which deduct :

Expenses of Office, etc.....	\$1,000 00
Clerk Hire actually paid.....	1,600 00
	<u>2,600 00</u>
Total receipts over expenses.....	\$3,700 00

There are no fees or perquisites attached to the office.

The late Secretary of State, Nelson Trusler, informed the Chairman of the Committee that the fees and perquisites of that office, in 1868, were about.....	\$1,500 00
Salary, as fixed by law	<u>2,000 00</u>

Total Fees and Salary \$3,500 00

Your Committee are unable to find any good reason why the Auditor of State should receive so much greater compensation for his services than the Secretary and Treasurer. Indeed, it would seem if any difference should be made in compensation of Auditor and Treasurer, the Treasurer's pay should be the largest, in consequence of the great responsibility he is under as the custodian of the public money.

Your Committee are of the opinion that the salaries and pay of all our State officers, including that of Governor, should undergo revision, and that said salaries or pay should not, in any case, depend upon fees and perquisites, but should be fixed and unchangeable, and that fees should either be abolished or be paid into the State Treasury. The session is so near its close, and so much business pressing, your Committee do not deem it expedient to introduce a bill for that purpose.

S. FISHER, Chairman.

Which report was concurred in.

Mr. Hooper, from the Committee on House of Refuge, made the following report :

MR. PRESIDENT :

The Committee on the House of Refuge, to whom was referred House bill No. 92, an act to amend section one of an act entitled an act to establish a House of Refuge for the Correction of Juvenile Offenders, approved March 8th, 1867, have had the same under consideration, and have instructed me to report the same back to the Senate, and recommend its passage.

Which report was concurred in.

Mr. Hooper, from the Committee on Claims, made the following report :

MR. PRESIDENT :

The Committee on Claims, to whom was referred the claim of Charles C. Campbell, late Sheriff of Marion County, beg leave to report that they have had the same under consideration, and have directed me to report the same back to the Senate, and recommend that it be rejected.

Which report was concurred in.

Mr. Rice, from special committee, made the following report :

MR. PRESIDENT :

The special Committee, to whom was referred House bill No. 72, entitled A bill defining what counties shall constitute the Fifth Judicial Circuit, and fixing the times for holding courts therein, have had the same under consideration, and directed me to report the same back to the Senate with the following amendments, and upon the adoption of which they recommend that the bill do pass.

Amendments to House bill No. 72 :

Amiend by striking out the word "last," in the 5th line of the second section, and inserting in lieu thereof the word "second;" and also by striking out the word "March," in the said fifth line of said second section, and inserting in lieu thereof the word April.

Also, by striking out the word "two," in the 8th line of the said second section, and inserting in lieu thereof the word *three*; and also by striking out the word "second," in the 13th line of said

second section, and inserting in lieu thereof the word *third*, and also by striking out the whole of lines 16, 17, and 18 of said second section, and the words "court requires it," in the 19th line of said second section; and also by striking out the word "first," in the 20th line of said section second, and inserting in lieu thereof the word *third*; and also by striking out the word "seven," in the 23d line of said second section, and inserting in lieu thereof the word "six."

Which report was concurred in.

Mr. Rice, from the Committee on Corporations, made the following report :

MR. PRESIDENT :

The Committee on Corporations, to whom was referred House bill No. 6, entitled a bill providing for the location, construction, and use of lateral railroads, and for the assessment of damages occasioned by the location, construction, and use of the same, have had the same under consideration, and do now report the same back to the Senate and recommend its passage.

Which report was concurred in.

Mr. Reynolds, from the Committee on Corporations, submitted the following report :

MR. PRESIDENT :

The Committee on Corporations, to whom was referred Senate bill No. 245, have had the same under consideration, and report the same back with the recommendation that it pass.

Which report was concurred in.

Mr. Reynolds, from the Joint Committee on Education and Agriculture, made the following report :

MR. PRESIDENT :

The Joint Committee on Education and Agriculture, to whom was referred the following papers :

Senate bill No. 301. The proposition of Hancock county to make certain donations in case the Agricultural College is located at Greenfield. A communication from the Governor of Indiana and a proposition from the Trustees of Moore's Hill College, in Dearborn county, donating their institute, upon conditions that the Agricultural College be located at their institute.

Respectfully return the same to the Senate, the committee having taken action upon other bills which renders action upon these returned unnecessary.

Which report was concurred in.

Mr. Hanna moved to suspend the order of business and take up House Bill No. 273.

Which was agreed to.

Mr. Hanna moved to suspend the rules and put the bill upon its passage.

The ayes and noes were taken, under the constitution.

Those who voted in the affirmative were,

Messrs. Armstrong, Beardsley, Bird, Bradley, Carson, Case, Caven, Church, Cravens, Denbo, Elliott, Fisher, Fosdick, Gifford, Gray, Green, Hadley, Hamilton, Hanna, Henderson, Hess, Hooper, Howk, Huey, Huffman, Jaquess, Kinley, Lasselle, Lee, Rice, Reynolds, Robinson of Madison, Robinson of Decatur, Scott, Smith, Turner, Wolcott and Wood—40.

Mr. Andrews voting in the negative.

So the rules were suspended, and the bill was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Andrews, Armstrong, Beardsley, Bellamy, Bird, Bradley, Carson, Case, Caven, Church, Cravens, Denbo, Elliott, Fisher, Fosdick, Gifford, Gray, Green, Hadley, Hamilton, Hanna, Henderson, Hess, Hooper, Howk, Huey, Huffman, Hughes, Jaquess, Johnson of Spencer, Johnson of Montgomery, Kinley, Lasselle, Lee, Rice, Reynolds, Robinson of Madison, Robinson of Decatur, Scott, Smith, Stein, Turner and Wolcott—45.

No Senator voting in the negative.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

Mr. Bird asked and obtained leave of absence for Mr. Morgan until the end of the session.

Mr. Hanna moved to suspend the rules and take up engrossed House bill No. 251.

A bill legalizing the assessment of taxes for State Debt Sinking Fund purposes for the years 1867 and 1868, and declaring what amount shall be assessed and collected for the same purpose for the years 1869 and 1870, and making certain provisions as to the application of said tax.

The ayes and noes were taken under the Constitution.

Those who voted in the affirmative were,

Messrs. Andrews, Beardsley, Bellamy, Bird, Bradley, Carson, Case, Caven, Church, Cravens, Denbo, Elliott, Fisher, Gifford, Gray, Green, Hadley, Hamilton, Hanna, Henderson, Hess, Hooper, Hawk, Huey, Huffman, Hughes, Humphreys, Jaquess, Johnson of Spencer, Kinley, Lasselle, Montgomery, Rice, Reynolds, Robinson of Madison, Robinson of Decatur, Scott, Smith, Stein, Wolcott and Wood—41.

Those who voted in the negative were,

Messrs. Armstrong, Fosdick, Lee and Turner—4.

So the rules were suspended, and the bill was read a third time.

The question being shall the bill pass?

Those who voted in the affirmative were,

Messrs. Andrews, Armstrong, Beardsley, Bellamy, Bird, Bradley, Carson, Case, Caven, Church, Cravens, Denbo, Elliott, Fisher, Gifford, Gray, Green, Hadley, Hamilton, Hanna, Henderson, Hess, Hooper, Hawk, Huey, Huffman, Hughes, Humphreys, Jaquess, Johnson of Spencer, Johnson of Montgomery, Kinley, Lasselle, Lee, Rice, Reynolds, Robinson of Madison, Robinson of Decatur, Scott, Smith, Stein, Turner, Wolcott and Wood—44.

No Senator voting in the negative.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

Mr. Gray moved a reconsideration of the vote by which debate on bill on third reading was cut off.

Which was agreed to.

Mr. Robinson, of Madison, moved to amend by limiting the time of debate to five minutes.

Which was agreed to.

Engrossed House bill No. 23. "A bill to change the time of holding elections in this State, and to fill all vacancies in office occasioned by the provisions of this act, and declaring an emergency," coming up in its regular order,

Mr. Robinson moved to amend by inserting the word "election."

Which was agreed to.

Mr. Bradley moved to indefinitely postpone the bill.

The ayes and noes were demanded by Messrs. Robinson, of Madison, and Fisher.

Those who voted in the affirmative were,

Messrs. Bradley, Gifford, Hanna, Henderson, Hawk, Huey, Humphreys, Johnson of Montgomery, Lasselle, Lee, Montgomery, Smith, and Turner—13.

Those who voted in the negative were,

Messrs. Andrews, Armstrong, Beardsley, Bellamy, Bird, Carson, Case, Caven, Church, Cravens, Denbo, Elliott, Fisher, Fosdick, Gray, Green, Hadley, Hamilton, Hess, Hooper, Huffman, Hughes, Jaquess, Johnson of Spencer, Kinley, Rice, Reynolds, Robinson of Madison, Robinson of Decatur, Scott, Stein, Wolcott, and Wood—33.

So the motion to indefinitely postpone the bill was lost.

Mr. Carson offered the following amendment:

Add to section — the following provision: "*Provided*, That all the elections under the provisions of this act shall be held at the same polls, and be governed by the same laws, and by the same officers."

Which was not adopted.

Mr. Hanna offered the following amendment:

Provided, That the provisions of this act shall not take effect nor be in force either to fix the time of holding elections nor to suspend the operations of our present election laws until the first day of August, 1870.

The ayes and noes were demanded by Messrs. Hughes and Hanna.

Those who voted in the affirmative were,

Messrs. Bird, Bradley, Carson, Fisher, Gifford, Hanna, Henderson, Hawk, Huey, Hughes, Humphreys, Johnson of Montgomery, Kinley, Lasselle, Lee, Montgomery, Robinson of Decatur, Smith, and Turner—19.

Those who voted in the negative were,

Messrs. Andrews, Armstrong, Beardsley, Bellamy, Case, Caven, Church, Cravens, Elliott, Fosdick, Gray, Green, Hadley, Hamilton, Hess, Hooper, Huffman, Jaquess, Johnson of Spencer, Rice, Reynolds, Robinson of Madison, Scott, Stein, Wolcott, and Wood—26.

So the amendment was not adopted.

Mr. Robinson, of Madison, moved to suspend the rules, and put the bill upon its passage.

The ayes and noes were taken under the Constitution.

Those who voted in the affirmative were,

Messrs. Andrews, Armstrong, Beardsley, Bellamy, Case, Caven, Church, Cravens, Elliott, Fisher, Fosdick, Gray, Green, Hadley, Hamilton, Hess, Hooper, Jaquess, Johnson of Spencer, Kinley, Rice, Reynolds, Robinson of Madison, Scott, Stein, Wolcott, and Wood—27.

Those who voted in the negative were,

Messrs. Bird, Bradley, Carson, Denbo, Gifford, Hanna, Henderson, Hawk, Huey, Huffman, Hughes, Humphreys, Johnson of Montgomery, Lasselle, Lee, Montgomery, Robinson of Decatur, Smith, and Turner—19.

So the rules were not suspended.

S. J.—43.

Engrossed House bill No. 60, "A Bill for the incorporation and continuance of Life Insurance Companies, authorizing them to re-insure their risks, exempting certain policies of life insurance, from attachment by creditors, making all policies non-forfeitable after two full annual payments, repealing all laws and parts of laws inconsistent therewith, and declaring an emergency," was read second time, and passed to a third reading on to-morrow.

Message from the House by Mr. Merwin, Clerk thereof.

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate, that the House has passed engrossed Senate bill No. 123, "A bill to amend the 17th section of the act entitled an act providing for the Organization of County Boards, &c," approved June 17, 1852, and the same is herewith returned to the Senate.

Mr. Stein moved a suspension of the rules, and that Senate bill No. 60 be read a third time.

The ayes and noes were taken under the Constitution.

Those who voted in the affirmative were,

Messrs. Andrews, Armstrong, Beardsley, Bellamy, Bird, Bradley, Carson, Case, Caven, Church, Cravens, Denbo, Elliott, Fisher, Fosdick, Gray, Green, Hadley, Hamilton, Henderson, Hess, Hawk, Huey, Huffman, Hughes, Humphreys, Jaquess, Johnson of Spencer, Kinley, Lasselle, Rice, Reynolds, Robinson of Madison, Robinson of Decatur, Scott, Stein, Turner, Wolcott, and Wood—40.

Those who voted in the negative were,

Messrs. Hanna, Johnson of Montgomery, Montgomery, and Smith—4.

So the rules were suspended.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Andrews, Armstrong, Beardsley, Bellamy, Bradley, Case, Caven, Church, Cravens, Denbo, Elliott, Fisher, Fosdick, Gifford,

Gray, Green, Hadley, Hamilton, Hess, Hooper, Huey, Huffinan, Hughes, Humphreys, Jaquess, Rice, Reynolds, Robinson of Madison, Robinson of Decatur, Scott, Wolcott, and Wood—33.

Those who voted in the negative were,

Messrs. Bird, Case, Hanna, Henderson, Howk, Johnson of Montgomery, Kinley, Lasselle, Lee, Montgomery, and Turner—11.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

Engrossed House bill No. 165, "A bill providing for a Geological Survey of the State, and for the collection and preservation of a Geological and Mineralogical Cabinet, and creating the office of State Geologist," was read a first time.

Mr. Turner moved that the rules be suspended, and the bill read a second and third times, and put upon its passage.

The ayes and noes were taken under the Constitution.

Those who voted in the affirmative were,

Messrs. Andrews, Armstrong, Beardsley, Bellamy, Bird, Bradley, Carson, Case, Caven, Church, Elliott, Fisher, Fosdick, Gifford, Gray, Green, Hadley, Hamilton, Hanna, Henderson, Hooper, Howk, Huey, Huffinan, Hughes, Humphreys, Jaquess, Johnson of Montgomery, Kinley, Lasselle, Lee, Rice, Reynolds, Robinson of Madison, Robinson of Decatur, Scott, Smith, Stein, Turner, Wolcott and Wood—41.

Mr. Hess voting in the negative.

So the rules were suspended and the bill was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Armstrong, Beardsley, Bird, Bradley, Carson, Case, Caven, Church, Cravens, Elliott, Fisher, Fosdick, Gifford, Green, Hadley, Hamilton, Hanna, Henderson, Hess, Howk, Huey, Hughes, Humphreys, Jaquess, Johnson of Spencer, Kinley, Lasselle, Lee,

Montgomery, Rice, Reynolds, Robinson of Madison, Robinson of Decatur, Scott, Stein, Turner and Wolcott—37.

Those who voted in the negative were,

Messrs. Andrews, Bellamy, Huffman, Johnson of Montgomery and Wood—5.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

Mr. Gifford, from the Committee on County and Township Business, made the following report :

MR. PRESIDENT :

The Committee on County and Township Business, to whom was referred House bill No. 37, a bill authorizing Township Trustees to negotiate and sell bonds to procure means to build school houses, pay debts, &c., having had the same under consideration, have instructed to report the same back to the Senate, and that it lie on the table.

Which report was concurred in.

Mr. Lasselle submitted the following report :

MR. PRESIDENT :

The select committee on Fees and Salaries have directed me to report bill of the Senate, No. 35, back without recommendation, as its passage appears to be based upon the enactment of a law to increase the salaries of jurors.

Which report was concurred in.

Senate bill No. 244, coming up under the special order,

Mr. Bellamy moved to reconsider the vote by which the word "white" was stricken out.

The ayes and noes were demanded by Messrs. Stein and Green.

Those who voted in the affirmative were,

Messrs Andrews, Bellamy, Bird, Bradley, Carson, Caven, Elliott, Gifford, Gray, Henderson, Howk, Huey, Huffman, Hughes, Humphreys, Johnson of Montgomery, Lasselle, Lee, Montgomery, Rice, Scott, Smith, Turner, and Wolcott—24.

Those who voted in the negative were,

Messrs. Armstrong, Beardsley, Case, Church, Cravens, Fisher, Fosdick, Green, Hadley, Hamilton, Hanna, Hess, Jaquess, Johnson of Spencer, Kinley, Reynolds, Robinson of Madison, Robinson of Decatur, Stein and Wolcott—21.

So the motion to reconsider prevailed.

Mr. Bellamy moved to amend by inserting the word "white" before the word children.

Mr. Stein moved to lay the amendment on the table.

The ayes and noes were demanded by Messrs. Stein and Hughes.

Those who voted in the affirmative were,

Messrs. Andrews, Armstrong, Beardsley, Case, Church, Cravens, Elliott, Fisher, Gray, Green, Hadley, Hamilton, Hess, Hooper, Jaquess, Johnson of Spencer, Kinley, Rice, Robinson of Madison, Robinson of Decatur, Stein and Wolcott—23.

Those who voted in the negative were,

Messrs. Bellamy, Bird, Bradley, Carson, Caven, Denbo, Fosdick, Gifford, Hanna, Henderson, Howk, Huey, Huffman, Hughes, Humphreys, Johnson of Montgomery, Lasselle, Lee, Montgomery, Reynolds, Scott, Smith, Turner and Wood—24.

So the motion to lay the amendment upon the table did not prevail.

Mr. Green offered the following amendment:

Amend by adding after the word white, and colored, to be taken in separate lines.

Mr. Carson moved to lay the amendment upon the table.

The ayes and noes were demanded by Messrs. Hughes and Johnson of Montgomery.

Those who voted in the affirmative were,

Messrs. Beardsley, Bellamy, Bird, Bradley, Carson, Caven, Denbo, Elliott, Fosdick, Gifford, Hanna, Henderson, Howk, Huey, Huffman, Hughes, Humphreys, Jaquess, Johnson of Spencer, Johnson of Montgomery, Lasselle, Lee, Montgomery, Rice, Scott, Smith, Turner and Wood—28.

Those who voted in the negative were,

Messrs. Andrews, Armstrong, Case, Church, Cravens, Fisher, Gray, Green, Hadley, Hamilton, Hess, Hooper, Kinley, Reynolds, Robinson of Madison, Robinson of Decatur, Stein and Turner—18.

So the motion to lay the amendment upon the table prevailed.

Mr. Hughes moved the previous question, which was seconded by the Senate.

The question recurring on the motion of Mr. Bellamy, to insert the word "white" before children.

The ayes and noes were demanded by Messrs. Hughes and Hanna.

Those who voted in the affirmative were,

Messrs. Bellamy, Bird, Bradley, Carson, Caven, Cravens, Denbo, Gifford, Hanna, Henderson, Howk, Huey, Huffman, Hughes, Humphreys, Johnson of Montgomery, Lasselle, Lee, Montgomery, Rice, Scott, Smith, Turner and Wood—24.

Those who voted in the negative were,

Messrs. Andrews, Armstrong, Beardsley, Case, Church, Elliott, Fisher, Fosdick, Gray, Green, Hadley, Hamilton, Hess, Hooper, Jaquess, Johnson of Spencer, Kinley, Reynolds, Robinson of Madison, Robinson of Decatur, Stein and Wolcott—22.

So the amendment was adopted.

Mr. Hooper from the Committee on Enrolled Bills, made the following report:

MR. PRESIDENT:

The Committee on Enrolled Bills, have carefully examined Enrolled Senate Act No. 123, an act to amend the 17th section of an act entitled "An act providing for the organization of County Boards &c.," and find the same to be neatly and correctly enrolled.

Mr. Robinson of Madison, moved to strike out the amendment offered by Mr. Hanna.

The ayes and noes were demanded by Messrs. Hanna and Johnson of Montgomery.

Those who voted in the affirmative were,

Messrs. Andrews, Armstrong, Beardsley, Bellamy, Case, Caven, Church, Cravens, Elliott, Fisher, Fosdick, Gray, Green, Hadley, Hamilton, Hess, Hooper, Jaquess, Johnson of Spencer, Kinley, Rice, Reynolds, Robinson of Madison, Robinson of Decatur, Scott, Stein, Wolecott and Wood—28.

Those who voted in the negative were,

Messrs. Bird, Bradley, Carson, Denbo, Gifford, Hanna, Henderson, Howk, Huey, Huffman, Hughes, Humphreys, Johnson of Montgomery, Lee, Montgomery, Smith and Turner—17.

So the motion was agreed to.

Mr. Turner moved that the Senate adjourn.

Which was not agreed to.

Mr. Green moved to strike out that part, that refers to posting notices in newspapers.

Which was agreed to.

Mr. Kinley moved to insert the words "when objections are made."

Which was agreed to.

The question recurring upon the amendment as amended.

It was adopted.

Mr. Bellamy moved that the bill be engrossed and passed to a third reading on to-morrow.

Mr. Hughes moved the previous question, which was seconded by the Senate.

The question then being upon the engrossment of the bill, it was ordered to be engrossed and passed to a third reading on to-morrow.

Senate bill No. 286. An act supplemental to an act entitled An act to incorporate the Franklin Insurance Company, approved February 13th, 1851, authorizing said company to change its place of business, to increase its capital stock, and contract for and increase the rate of interest established by law.

Was read a second time.

Mr. Bird moved that the rules be suspended and the bill read a third time now.

Those who voted in the affirmative were,

Messrs. Andrews, Armstrong, Beardsley, Bellamy, Bird, Bradley, Carson, Case, Caven, Church, Cravens, Elliott, Fisher, Fosdick, Gifford, Gray, Green, Hadley, Hamilton, Hanna, Henderson, Hess, Hooper, Howk, Huey, Huffman, Hughes, Humphreys, Jaquess, Johnson of Spencer, Johnson of Montgomery, Montgomery, Kinley, Lasselle, Lee, Rice, Reynolds, Robinson of Madison, Scott, Smith, Stein, Turner, Wolcott, and Wood—43.

No Senator voted in the negative, so the rules were suspended.

The bill was then read a third time.

The question being upon the passage of the bill.

Those who voted in the affirmative were,

Messrs. Andrews, Armstrong, Bird, Bradley, Carson, Case, Caven, Church, Cravens, Denbo, Elliott, Fisher, Fosdick, Gifford, Gray, Green, Hadley, Hamilton, Hanna, Hederson, Hess, Howk, Huey, Huffman, Hughes, Humphreys, Jaquess, Johnson of Spencer, Johnson of Montgomery, Kinley, Lasselle, Lee, Montgomery, Rice, Reynolds, Robinson of Madison, Scott, Smith, Stein, Turner, Wolcott and Wood—41.

Those who voted in the negative were,

Messrs. Beardsley and Robinson of Decatur—2.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

Mr. Wolcott moved to take up House bill No. 309. A bill making general appropriations for the years 1869 and 1870.

Which was read a first time, and referred to the Committee on Finance.

On motion of Mr. Turner, Engrossed Senate Bill No. 89. An act to amend an act entitled an act to enable the owners of wet lands to drain and reclaim them, where the same cannot be done without affecting the lands of others, prescribing the powers and duties of County Boards and County Auditors in the premises, and repealing all laws inconsistent therewith, approved March 11, 1867, by amending Sections 3, 4, 5, 6, 9 and 11, and adding Section 16, to provide for entering satisfaction of liens acquired under said act.

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Armstrong, Bellamy, Bird, Carson, Case, Caven, Church, Denbo, Fisher, Fosdick, Gifford, Gray, Green, Hadley, Hamilton, Hanna, Henderson, Hess, Hooper, Howk, Huey, Huffman, Hughes, Humphreys, Jaquess, Johnson of Spencer, Johnson of Montgomery, Kinley, Lee, Montgomery, Reynolds, Robinson of Madison, Scott, Stein, Turner, Wolcott and Wood—38.

No Senator voting in the negative.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

Mr. Caven moved to take up Senate bill No. 72.

Which was agreed to.

Mr. Caven moved to suspend the rules and read the bill a second and third time now.

The ayes and noes were taken under the Constitution.

The bill was read a second and third times.

Those who voted in the affirmative were,

Messrs. Andrews, Armstrong, Bellamy, Bird, Bradley, Case, Caven, Church, Cravens, Denbo, Fisher, Fosdick, Gifford, Gray, Green, Hadley, Hamilton, Hanna, Henderson, Hess, Hooper, Hawk, Huey, Huffman, Hughes, Jaquess, Johnson of Spencer, Johnson of Montgomery, Kinley, Lee, Reynolds, Robinson of Madison, Robinson of Decatur, Scott, Smith, Stein, Turner, Wolcott and Wood—39.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Bellamy, Bird, Case, Caven, Church, Cravens, Gray, Green, Hadley, Hamilton, Hess, Hawk, Huey, Huffman, Hughes, Jaquess, Kinley, Lee, Montgomery, Robinson of Madison, Robinson of Decatur, Scott, Stein and Turner—24.

Those who voted in the negative were,

Messrs. Armstrong, Fisher, Fosdick, Gifford, Hanna, Henderson, Hooper, Johnson of Spencer, Lee, Sherrod, Wolcott and Wood—11.

So the bill did not pass.

Mr. Bradley offered the following resolution:

Resolved, That when the Senate adjourns, it adjourn to meet at ten o'clock to-morrow.

Mr. Wood moved to amend by inserting seven and a half o'clock this evening.

Which was not agreed to.

The question then recurring upon the resolution, it was not adopted.

Message from the House, by Mr. Merwin, Clerk thereof.

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the House has passed the following bills, to wit :

House bill No. 214. An act supplemental to an act entitled "An act supplemental to an act approved March 5, 1859, entitled an act authorizing the purchasers of railroads, plank roads, or macadamized roads, or parts thereof, under mortgaged sales, or sales made according to the times of the deeds of trust, to organize as incorporated companies, and prescribing their powers, and extending the time provided in said act for the organization of such distinct organization."

House Joint Resolution No. 8. A joint resolution instructing our Senators and requesting our Representatives in Congress to procure the passage of a law removing all disabilities under existing laws, because of volunteers who left the service of their command after the 18th of April, 1865.

And that the Speaker has signed the following enrolled act of the Senate, to-wit :

Enrolled Senate bill No. 123. An act to amend the 17th section of the act entitled "An act providing for the organization of county boards, and prescribing some of their powers and duties," approved June 17, 1852.

Message from the House, by Mr. Merwin, Clerk thereof.

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the House has passed, with the accompanying engrossed amendments of the House thereto attached, Senate bill No. 90, entitled "A bill to amend the 34th subdivision of section 53 of an act entitled 'An act to repeal all general laws now in force for the incorporation of cities.'"

Message from the House, by Mr. Merwin, Clerk thereof :

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the House has passed the following bill thereof, to-wit :

House bill No. 309. A bill making general appropriations for the years 1869 and 1870.

Message from the House by Mr. Merwin, Clerk thereof.

MR. PRESIDENT :

I am directed by the Speaker of the House of Representatives to inform the Senate that the Speaker has signed the following enrolled acts of the House, to-wit :

House Enrolled Act No. 273. An act to raise revenue for State purposes, for the years 1869 and 1870, and for subsequent years.

Also, House Enrolled Act No. 251. An act legalizing the assessment of taxes for State Debt Sinking Fund purposes for the years 1867 and 1868, and declaring what amount shall be assessed and collected, for the same purpose, for the years 1869 and 1870, and making certain provisions as to the application of said tax.

And the same are herewith transmitted for the signature of the President of the Senate.

On motion of Mr. Hughes, the Senate adjourned.

THURSDAY MORNING, 9 O'CLOCK, }
 March 4, 1869. }

The Senate met.

On motion of Mr. Fisher, the reading of yesterday's Journal was dispensed with.

On motion of Mr. Fisher, the Senate adjourned.

THURSDAY 2 O'CLOCK P. M.

The Senate met.

Mr. Bradley presented the following communication to the Senate:

To the Hon. Will. Cumback, President of the Senate:

SIR:—The undersigned, late Senators in the General Assembly of the State of Indiana, respectfully make known to you that we have resigned our respective offices as Senators in the said General Assembly, and that our said resignations have been transmitted to the Governor.

Very respectfully,

J. M. Hanna,

John M. Humphreys,

William W. Carson,

Daniel Morgan,

O. Bird,

Thomas G. Lee,

Wilson Smith,

C. Huffman,

W. S. Turner,

W. H. Montgomery,

G. W. Denbo,

Thomas Gifford,

W. S. Sherrod,

George V. Howk,

Robert Huey,

Charles B. Lasselle,

Archibald Johnson.

Mr. Crvaens moved that the document be laid upon the table.

The ayes and noes were demanded by Messrs. Bradley and Henderson.

Those who voted in the affirmative were,

Messrs. Andrews, Beardsley, Bellamy, Case, Caven, Church, Cravens, Fosdick, Gray, Green, Hess, Hooper, Jaquess, Johnson of Spencer, Kinley, Reynolds, Robinson of Madison, Robinson of Decatur, Scott, and Wolcott—20.

Those who voted in the negative were,

Messrs. Bradley, Henderson, and Hughes—3.

No quorum voting, Mr. Bradley moved a call of the Senate.

The Secretary proceeded with the call.

The following Senators answered to their names :

Messrs. Andrews, Beardsley, Bradley, Case, Caven, Church, Cravens, Fisher, Fosdick, Gray, Green, Hamilton, Henderson, Hess, Hooper, Hughes, Jaquess, Johnson of Spencer, Kinley, Reynolds, Robinson of Madison, Robinson of Decatur, Scott, and Wolcott—25.

Mr. Bellamy moved that the absentees be sent for.

Mr. Hughes moved to amend by sending only for those who have not resigned and are absent without leave.

On motion of Mr. Robinson, of Madison,

The Senate adjourned.

FRIDAY MORNING, 9 O'CLOCK, A. M., }
March 5, 1869. }

The Senate met.

On motion by Mr. Fisher, the Senate adjourned till Saturday morning at 9 o'clock.

SATURDAY MORNING, 9 o'clock, }
March 6th, 1869. }

The Senate met.

The Journal of Friday was read.

On motion by Mr. Johnson of Spencer, the Senate adjourned till Monday morning at 9 o'clock.

MONDAY MORNING, 9 o'clock, }
March 8th, 1869. }

The Senate met.

The Journal of Saturday was read.

Mr. Bradley offered a resolution of thanks to the Hon. Will Cumback, President of the Senate, but on account of the absence of a quorum, the resolution was not acted upon.

Message from the Governor, by John M. Commons, his Private Secretary.

EXECUTIVE DEPARTMENT,
INDIANAPOLIS, March 6, 1869. }

MR. PRESIDENT :

I am directed by the Governor to respectfully inform the Senate, that he has approved and signed Enrolled act of the Senate No. 23, entitled an act to amend the seventeenth section of an act entitled "An act providing for the organization of County Boards, and prescribing some of their powers and duties," approved June 17, 1852, and that the same has been deposited in the office of the Secretary of State.

JOHN M. COMMONS,
Private Secretary.

The President appointed a Special Committee, consisting of Messrs. Fisher, Bellamy, and Bradley, to wait on the Governor and ascertain whether he had any further communication to make to the Senate.

Mr. Fisher from said Committee, made the following report :

MR. PRESIDENT :

The Committee appointed to wait upon the Governor, and enquire if he had any further communications to make to the Senate,
S. J.—44.

have performed that duty, and received for an answer, that he had no further communications to make.

Mr. Bellamy offered a resolution of thanks to the Secretaries, Door-keepers and Employees of the Senate, but there being no quorum present, the resolution was not acted upon.

The President, *pro tem.* of the Senate, announced that the Constitutional limitation of the session had expired, and therefore declared the Senate adjourned, *sine die.*

W. A. BONHAM,
Assistant Secretary.

O. M. WILSON.
Secretary Indiana Senate.

CALENDAR

Of Senate Bills and Joint Resolutions introduced and pending in the Senate upon the adjournment of the Regular Session, March 8, 1869. Also, House Bills and Joint Resolutions received and pending in Senate at adjournment, March 8, 1869. Prepared by O. M. Wilson, Secretary of the Senate.

No.	WHEN INTRODUCED.	TITLE.	BY WHOM.	DISPOSITION.
1	January 12...	A BILL to fix the time of holding the Courts of Common Pleas in the Fourth Judicial District of the State of Indiana, and other matters properly connected therewith.	Green.	Passed January 12.
2	January 12...	A BILL fixing the time of holding Circuit Courts in the counties of Franklin, Union, Fayette, Rush, Shelby, Decatur and Dearborn, and declaring an emergency.	Gifford.	Passed January 12.
3	January 12...	A BILL to repeal section 1 of an act entitled "An act in relation to applying certain funds therein named to the payment of the public debt, and raising a revenue for the support of common schools, and to repeal all laws in conflict therewith," approved March 9, 1861, and to legalize all taxes levied and assessed under the provisions of said act.	Carson.	To Committee on Finance; on second reading.
4	January 12...	A BILL authorizing Superintendent of Public Instruction to adopt a general and uniform system of book keeping for Township Trustees.	Johnson of Spencer.	To Committee on County and Township Business; ordered to lie on table June 20; taken from table and placed on the files February 12; indefinitely postponed February 15; on third reading. Passed February 5; vote reconsidered, and bill re-committed; reported back February 20; passed February 22, and referred to House.
5	January 12...	A BILL to amend the 1st section of an act entitled "An act to declare abandoned certain unfinished railroads, and to prescribe for their completion, to declare forfeited the franchises of certain railroad companies, and for the assessment of the value thereof, for the organization of new companies, and for making annual settlements," approved March 11, 1867, and the failure of any	Reynolds.	

6	January 12...	company to have formed the preliminary organization contemplated by the 1st section of this act entitled "An act to provide organizations of railroad companies," approved May 11, 1852, shall not invalidate such organization if otherwise in conformity with the same. A BILL to authorize appraisers of real estate to appoint deputies, and legalize appointments already made, and to fix the pay of appraisers and deputies. A BILL to fix the compensation of appraisers of real estate, authorizing the appointment of deputies, extending the time for making such appraisement, making the appraisement of 1863 the basis of taxation until said appraisement is completed, and repealing all laws in conflict therewith, and declaring an emergency. A BILL to prevent prize fighting in the State of Indiana, defining the same, providing punishment therefor, and declaring an emergency.	Johnston of Montgomery.	Committee on County and Township Business; ordered to lie on table January 23; on third reading.
7	January 12...	A BILL to amend section 27 of an act to provide for a general system of common schools, the officers and duties, and matters properly connected therewith, and prescribing the fees for certain officers therein named, and for the establishment and regulation of township libraries, and to repeal all laws inconsistent herewith, providing penalty therein prescribed, approved March 6, 1865.	Bellamy.	Committee on County and Township Business; ordered to lie on table January 21; on second reading.
8	January 12...	A BILL to repeal an act entitled "An act providing for the redemption of real property, or interest thereon, sold on execution or order of sale, and providing for the issuing of certificates of purchase in such cases, and for the execution of conveyances, and repealing all laws in conflict therewith," approved June 4, 1861.	Armstrong.	Passed February 26.
9	January 12...	A BILL to amend section 1 of an act entitled "An act defining who shall be competent witnesses in any court or judicial cause in this State, and to repeal all laws and parts of laws in conflict with the provisions of this act, and declaring an emergency," A BILL to repeal an act to provide for the protection of fish, defining the time in which they may be trapped, netted or seined, and fixing the penalty for the violation of this act, and declaring an emergency.	Huffman.	To Committee on Education; February 18 laid on table with amendments; on second reading.
10	January 12...	NOTE.—Reported back with amendments January 8; concurred in; read third time January 20, and re-committed; reported back February 8, and indefinitely postponed.	Humphreys.	To Committee on Judiciary; indefinitely postponed February 8; on third reading.
11	January 13...	A BILL entitled "An act to repeal the 17th section of an act entitled 'an act to incorporate the Firemen's and Mechanics' Insurance Company,' and declaring an emergency.'"	Cravens.	Passed January 13.
12	January 13...	A BILL providing for the publication of all notices required by law to be made in newspapers, and prescribing punishment for the violation thereof.	Robinson of Madison.	To Committee on Judiciary January 18; on second reading.
13	January 13...	A BILL appropriating seventy-five thousand dollars to defray the expenses of the forty-sixth session of the General Assembly.	Bellamy.	Passed January 13.
14	January 13...	A BILL to amend section 1 of an act entitled "An act defining who shall be competent witnesses in any court or judicial cause in this State, and to repeal all laws and parts of laws in conflict with the provisions of this act, and declaring an emergency,"	Hadley.	To Committee on Judiciary; ordered to lie on table January 20; on second reading.
15	January 13...	A BILL to repeal an act to provide for the protection of fish, defining the time in which they may be trapped, netted or seined, and fixing the penalty for the violation of this act, and declaring an emergency.	Elliott.	To Committee on Rights and Privileges; ordered to lie on table January 28; on third reading.

CALENDAR OF SENATE AND HOUSE BILLS AND JOINT RESOLUTIONS—Continued.

No.	WHEN INTRODUCED.	TITLE.	BY WHOM.	DISPOSITION.
16	January 13...	A BILL to repeal an act entitled "An act authorizing the assessment of all the lands within one and one-half miles on either side, or within one and one-half miles of the terminus of any plank, macadamized or gravel road, organized under and pursuant to an act of the General Assembly of the State of Indiana entitled 'an act authorizing the construction of plank, macadamized and gravel roads,'" approved May 12, 1852, when the subscription to said road amounts to at least eight hundred dollars per mile, and is not sufficient for the completion of the same and the collection of such assessment; <i>Provided</i> , The lands are situated within the county in which such road is located; approved March 11, 1867.	Carson.	To Committee on Corporations January 18; on second reading.
17	January 13...	A BILL to regulate the sale of patent rights, and prevent frauds in connection therewith.	Gray.	Passed January 28.
18	January 13...	A BILL empowering colleges and other institutions of learning to hold and enjoy real estate.	Reynolds.	To Committee on Corporations; ordered to lie on table January 21; on second reading.
19	January 13...	A BILL to amend the 397th section of an act entitled "An act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State, to abolish distinct forms of actions at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity," approved June 8, 1862.	Turner.	To Committee on Judiciary; ordered to lie on table January 21; on second reading.
20	January 13...	A BILL to tax cost in cases where surety in the bonds of any guar- dian, executor or administrator shall apply to be released as said surety.	Green.	To Committee on Organization of Courts; failed to pass for want of constitutional majority February 5.
21	January 13...	A BILL to amend section 10 of an act touching official bonds and oaths.	Denbo.	To Committee on Judiciary; ordered to lie on table January 22; on second reading.
22	January 13...	A BILL to regulate interest on judgments and decrees.	Beardsley.	To Committee on Judiciary; ordered to lie on table January 26; taken from table and placed on files February 25; on second reading.
23	January 13...	A BILL to provide for procuring the statistics of marriages and divorces, and prescribing the duties of Judges, Clerks, and the Secretary of State in relation thereto.	Stein.	To Committee on Judiciary; on second reading.
24	January 13...	A BILL to amend section 78 of an act entitled "An act to revise, simplify and abridge the rules, practice, pleadings and forms in criminal actions in the courts of this State," approved June 17, 1862.	Cravens.	Failed to pass February 4.

25	January 13...	NOTE.—Referred to Judiciary Committee January 18; reported back January 21, with amendments; January 22, engrossed; January 27, read third time, and re-committed to special committee—Johnston of Montgomery, Caven and Elliott; reported back January 29, with amendments; ordered re-engrossed, and failed to pass for want of constitutional majority.	Caven.	To Committee on Judiciary; failed to pass January 27.
26	January 13...	A BILL fixing the salaries of Common Pleas Judges, repealing all laws in conflict therewith, and declaring an emergency.	Church.	To Committee on Judiciary; ordered to lie on table January 25; on second reading.
27	January 13...	A BILL authorizing the Bristol Hydraulic Company to erect and maintain a dam across the St. Joseph river, at Bristol.	Beardsley.	Passed February 9.
28	January 13...	A BILL to amend the 27th section of an act prescribing who may make a will, the effect thereof, what may be devised, regulating the revocation, admission to probate and contest thereof, approved May 31, 1852.	Caven.	To Committee on Judiciary; ordered to lie on table February 11; on second reading.
29	January 13...	NOTE.—Reported back January 21, and ordered to lie on table; January 26 taken from table and re-committed; February 11 reported back to lie on table.	Turner.	To Committee on Judiciary; failed to pass January 27.
30	January 13...	A BILL to amend the 70th section of an act providing for the election and qualification of Justices of the Peace, and defining their jurisdiction, powers and duties in civil cases, approved June, 9, 1852.	Caven.	To Committee on Corporations; ordered to lie on table January 28; February 15, taken from table; February 20, ordered to be engrossed; on third reading.
31	January 13...	A BILL supplemental to an act to authorize the formation of companies for the construction of water works in and for incorporated cities, to enable such cities to subscribe stock in such companies, and issue and sell bonds for the payment thereof, approved March 6, 1855.	Wolcott.	To Committee on Judiciary; on second reading.
32	January 13...	A BILL to extend the provisions of an act to authorize and provide for a change of venue in civil actions in certain cases to all civil actions.	Robinson of Madison.	Passed January 15.
33	January 13...	A BILL to fix the time of holding courts in the Seventeenth Judicial Circuit, repealing all other laws on the same subject, and declaring when it shall take effect.	Wolcott.	To Committee on Public Printing; on second reading.
34	January 18...	A BILL requiring certain officers of the State to make reports, and provide for the publication thereof.		
35	January 18...	NOTE.—Referred to Committee on Judiciary January 13; reported back February 5 to lie on table; re-committed February 5 to Committee on Public Printing.		
36	January 18...	A BILL concerning the laying out of highways across railroads.	Beardsley.	To Committee on Roads; ordered to lie on table February 5; on second reading.
37	January 18...	A BILL in relation to docket fees, and declaring an emergency.	Scott.	To Committee on Fees and Salaries.
38	January 18...	NOTE.—Referred to Committee on Organization of Courts January 18; reported back January 29 with amendments; February 3,		

CALENDAR OF SENATE AND HOUSE BILLS AND JOINT RESOLUTIONS—Continued.

No.	WHEN INTRODUCED.	TITLE.	BY WHOM.	DISPOSITION.
		read second time, and ordered engrossed; read third time February 9, and re-committed to Special Committee on Fees and Salaries, with instructions; March 3, reported back without recommendation.		
36	January 18...	A BILL prohibiting the retail of intoxicating liquors, to be used as a beverage, and repealing all conflicting laws.	Kinley.	To Committee on Temperance; engrossed February 20; on third reading.
37	January 18...	A BILL to amend the 24 section of "An act defining who shall be competent witnesses in any Court or Judicial proceeding in the State, and to repeal all laws in conflict with this act," approved March 11, 1862.	Gray.	To Committee on Judiciary; ordered to lie on table January 21; on second reading.
38	January 18...	A BILL abolishing April Elections, and declaring when Township officials shall be elected, and the terms of certain officers.	Bellamy.	To Committee on County and Township Business; ordered to lie on table Jan. 27; on second reading.
39	January 18...	A BILL to amend the 25th section of "An act regulating descents and the apportionment of estates," approved March 14, 1852.	Green.	To Committee on Rights and Privileges; on second reading.
40	January 18...	A BILL to repeal the 44th and 82d sections, and to amend the 81st and 113th sections of an act entitled "An act to revise, simplify and abridge the rules, practice, pleadings and forms in criminal actions in the Courts of the State, approved June 17, 1852; and to regulate the practice as to continuances and changes of venue, in criminal actions in the State."	Howk.	To Committee on Judiciary; engrossed February 27; on third reading.
41	January 18...	A BILL relating to appeals to the Supreme Court.	Scott.	To Committee on Organization of Courts; indefinitely postponed February 2; on third reading.
42	January 18...	A BILL to amend section 19 of an act entitled "An act to provide for the opening, vacating and change of highways."	Hadley.	To Committee on Roads; on second reading.
43	January 18...	A BILL to facilitate making up the issues in civil actions.	Bradley.	To Committee on Judiciary; failed to pass for want of constitutional majority, February 26.
44	January 18...	A BILL to limit the time of commencing actions for the recovery of lands sold for taxes, repealing all laws in conflict herewith, and declaring an emergency.	Denbo.	To Committee on Judiciary; ordered to lie on table January 23; on second reading.
45	January 18...	A BILL relating to the salaries of the Supreme, Circuit, Civil and Criminal Circuit, and Common Pleas Judges and declaring an emergency.	Scott.	To Committee on Organization of Courts; read third time Jan. 29; ordered to lie on table January 29; taken from table and placed on files Feb. 24.
46	January 18...	A BILL to provide for the detection and arrest of Felons.	Caven.	To Committee on Judiciary; ordered to lie on table January 22; on second reading.
47	January 18...	A BILL to enable cities to aid in the construction of Railroads.	Caven.	To Committee on Corporations; February 15, laid on table; on third reading.
48	January 18...	A BILL providing for the protection of the banks of water-courses, by securing the bushes along said banks from the ravages of stock.	Bellamy.	Passed February 4.

49	January 18...	A BILL to authorize the City of Indianapolis to occupy, as parks, certain lands belonging to the State of Indiana.	Caven.	To Committee on City of Indianapolis; ordered to lie on table February 3; on third reading.
50	January 18...	A BILL to provide for the collection of forfeited recognizances.	Kinley.	Passed March 2.
51	January 18...	A BILL to amend section 9, and repealing part of section 16 of an act entitled "An act concerning partition of lands," approved May 20, 1852.	Denbo.	To Committee on Judiciary; failed to pass January 25 for want of constitutional majority.
52	January 18...	A BILL creating the Twenty-Third and Twenty-Second Judicial Circuits, fixing the times for holding the courts therein, and providing for the election and appointment of Judges and Prosecuting Attorneys thereof.	Henderson.	To Committee on Organization of Courts; ordered to lie on table February 27; on second reading.
53	January 18...	A BILL to authorize co-operative societies for the purchase or erection of dwellings or other buildings.	Caven.	To Committee on Judiciary; ordered to lie on table February 3; February 8, taken from table, and referred to Committee on Judiciary; February 10, reported back with amendments; February 20, amended and engrossed; on third reading.
54	January 19...	A BILL to authorize and empower cities to establish public parks, and to acquire title to land for that purpose.	Reynolds.	To Committee on Corporations January 29; February 26, read third time, and laid on table; March 2, taken from table, and failed to pass for want of constitutional majority. Passed February 23.
55	January 19...	A BILL creating the Twenty-Third Judicial Circuit, and providing for the election of a Judge and Prosecuting Attorney, and providing compensation therefor, declaring the jurisdiction of said court, and providing for the transfer of actions thereto.	Scott.	Passed January 28.
56	January 19...	A BILL to amend sections 133 and 134 of an act providing for the settlement of decedents' estates, prescribing the rights, liabilities and duties of officers connected with the management thereof, and the heirs thereto, and certain forms to be used in such settlements, approved June 17, 1852.	Case.	
57	January 19...	A BILL to amend an act entitled "An act to amend an act providing for the election or appointment of Supervisors of highways, and prescribing certain of their duties, and those of county and township officers in relation thereto," approved March 5, 1855.	Elliott.	To Committee on Roads; ordered to lie on table January 21; on second reading.
58	January 19...	A BILL to amend section 16 of an act regulating the fees of officers, and repealing former acts in relation thereto, approved March 2, 1855.	Denbo.	Passed January 26.
59	January 19...	A BILL regulating changes of venue, continuances, subpoenaing and compelling attendance of witnesses in, and the argument in criminal cases, and repealing all laws in conflict herewith.	Caven.	To Committee on Judiciary, failed for want of constitutional majority February 4.
60	January 19...	NOTE.—Reported back from Committee on Organization of Courts, with amendment to section 3 and title, January 22; January 25, re-committed to Committee on Judiciary; engrossed February 1, with amendments; February 4, read third time and failed.	Caven.	To Committee on Judiciary; ordered to lie on table February 1; on second reading.
61	January 19...	A BILL to amend section 103 of an act entitled "An act to revise, simplify and abridge the rules, practice, pleadings and forms in criminal actions in the courts of this State," approved June 17, 1852.	Hadley.	To Committee on Judiciary; passage recommended February 28; on second reading.
	January 19...	A BILL providing for amendment of pleadings and papers in all proceedings of the Courts of the State.		

CALENDAR OF SENATE AND HOUSE BILLS AND JOINT RESOLUTIONS—Continued.

No.	WHEN INTRODUCED.	TITLE.	BY WHOM.	DISPOSITION.
62	January 19...	A BILL to amend section 6 of an act declaratory of the law regulating marriages, and enforcing the provisions thereof by proper penalties, approved March 5, 1852.	Case.	To Committee on Judiciary; ordered to lie on table January 25; on second reading.
63	January 19...	A BILL to provide an additional remedy for the collection of delinquent taxes, and for the correction of irregular assessments thereof.	Church.	To Committee on Judiciary; on second reading.
64	January 19...	A BILL authorizing voluntary associations formed under an act entitled "An act concerning the organization of voluntary associations, and repealing former laws in relation thereto," passed February 12, 1855, to acquire title to lands that have heretofore been used as burial places.	Wolcott.	Passed March 2.
65	January 19...	A BILL to regulate the publication of legal documents.	Caven.	To Committee on Judiciary; indefinitely postponed February 15; on second reading.
66	January 19...	A BILL to repeal an act entitled "An act to ascertain the Fees and Salaries of the Clerks of the Supreme, Circuit and Common Pleas Courts of this State.	Humphreys.	To Committee on Judiciary; passage recommended January 25; on second reading.
67	January 19...	A BILL to amend section 5, of an act entitled "An act to provide for a more uniform mode of doing Township business, prescribing the duties of certain officers in connection therewith, and to repeal all laws conflicting with this act," approved February 18, 1859, and declaring an emergency.	Humphreys.	Passed January 28.
68	January 19...	A BILL to amend section 1 of an act to authorize the formation of Companies for the detection of horse thieves and other felons, and defining their powers, approved March 9, 1852.	Beardsley.	To Committee on Judiciary; indefinitely postponed January 26; on third reading.
69	January 19...	A BILL to amend section 455 of an act entitled "An act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the Courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform way of pleading and practice, without distinction between law and equity," approved June 13, 1852.	Green.	To Committee on Judiciary; ordered to lie on table February 5; on third reading.
70	January 19...	A BILL to amend an act entitled "An act authorizing the construction of plank, macadamized and gravel roads," approved May 12, 1852.	Robinson of Madison.	To Committee on Roads; failed to pass for want of constitutional majority February 29.
71	January 20...	A BILL establishing the rate of compensation of the Superintendent of Public Instruction and repealing all laws in conflict therewith.	Wolcott.	To Committee on Expenditures January 20; on second reading.
72	January 20...	A BILL to amend section 18 of an act regulating descents and apportionment of estates, approved May 14, 1852.	Gray.	To Committee on Rights and Privileges; ordered to lie on table February 15; on second reading.
73	January 20...	A BILL to amend section 352 of the practice act.	Beardsley.	Passed February 4.

74	January 20...	A BILL to enable cities to aid in the construction of railroads and other roads running into, through or adjacent to such cities.	Lasselle.	To Committee on Corporations; ordered to lie on table January 28; on second reading.
75	January 20...	A BILL to protect the citizens of Indiana from empiricism, and elevate the standing of the medical profession.	Hess.	To Special Committee; passage recommended February 25; on third reading.
NOTE.—Referred to Committee on Rights and Privileges January 20; reported back January 26; January 27, read second time, and referred to special committee of Meers, Kinley, Gifford, Hess, Armstrong, Sherrod, Humphreys and Morgan; February 25, reported back with amendments, and passage recommended.				
76	January 20...	A BILL authorizing incorporated towns and civil townships to subscribe stock, and make donations in aid of railroad companies.	Hooper.	To Committee on Corporations; ordered to lie on table January 27; on second reading.
77	January 20...	A BILL to amend the 53d section of an act entitled "An act for the incorporation of towns, defining their powers, providing for the election of officers thereof, and declaring their duties," approved June 11, 1852.	Bradley.	Passed February 4.
78	January 20...	A BILL to repeal section (4) of an act entitled "An act regulating descents and the apportionment of estates," approved May 14, 1852.	Lasselle.	To Committee on Rights and Privileges; passage recommended February 27, with amendments; on third reading.
79	January 21...	A BILL declaring who shall be the heirs of decedents' estates, defining what debts shall be paid by the widow of the deceased husband, and repealing all laws in conflict with this act.	Reynolds.	To Committee on Judiciary; ordered to lie on table January 26; on second reading.
80	January 21...	A BILL to amend an act entitled "An act to provide for the apportionment of real estate, and prescribing the duty of officers in relation thereto," approved December 31, 1853.	Gray.	To Committee on County and Township Business; ordered to lie on table January 27; on second reading.
81	January 21...	A BILL to legalize the appraisement of the real estate of the State of Indiana, made in the year 1864, and declaring an emergency.	Denbo.	Passed February 9.
82	January 21...	A BILL allowing an increased rate of tolls on turnpikes, plank and gravel roads in certain cases, repealing conflicting laws, and declaring an emergency.	Huffman.	To Committee on Roads; ordered to lie on table January 27; February 15, taken from table and recommitted; March 3, reported back, with amendments, and passage recommended; on second reading.
83	January 21...	A BILL to amend section 2 of an act entitled "An act making the register of sales of Michigan road lands and certified copies of entries therein evidence, and declaring the effect thereof, and making the records, and patents, and certificates of purchase, and other evidence in writing of the sale of real estate, and certified copies of such records, evidence, and declaring the effect thereof," approved March 9, 1859.	Church.	Passed February 26.
84	January 21...	A BILL to repeal section 31 of an act entitled "An act concerning real property, and the alienation thereof," approved May 6, 1852.	Church.	Passed February 26.
85	January 21...	A BILL to amend section 69 of an act entitled "An act to repeal all general laws in force for the incorporation of cities, prescribing their powers and rights, and the manner in which they shall exercise the same, and to regulate such other matters as properly pertain thereto," approved March 14, 1867.	Gray.	To Committee on Corporations; February 20, amended and engrossed; on third reading.
86	January 21...	A BILL for the protection of growing fruit, defining punishment, and repealing all laws in conflict therewith.	Denbo.	To Committee on Rights and Privileges; ordered to lie on table January 26; on second reading.

CALENDAR OF SENATE AND HOUSE BILLS AND JOINT RESOLUTIONS.—Continued.

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No.	WHEN INTRODUCED.	TITLE.	BY WHOM.	DISPOSITION.
87	January 21...	A BILL authorizing the organization of voluntary associations, prescribing their powers and defining their duties, and repealing all former laws on the subject.	Caven.	To the Committee on Corporations; on second reading.
88	January 21...	A BILL to amend section 319 of an act entitled "An act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the Courts of this State, to abolish distinct forms of actions at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity," approved June 18, 1852.	Wolcott.	To Committee on Judiciary; ordered to lie on table January 27; on third reading.
89	January 22...	A BILL to amend an act entitled "An act to enable the owners of wet lands without affecting the lands of others, prescribing the duty of County Boards and County Auditors in the premises and repealing all laws inconsistent therewith," approved March 11, 1857, by amending sections 3, 4, 5, 6, 9 and 11, and adding section 16 to provide for entering satisfaction of the lands acquired under said act.	Reynolds.	Passed March 3.
90	January 22...	A BILL to amend the 34th subdivision of section 53 of an act entitled "An act to repeal all general laws now in force for the incorporation of cities, and prescribing their powers and rights, and the manner in which they shall exercise the same; and to regulate such other matters as properly pertain thereto," approved March 14, 1857, and declaring an emergency.	Bradley.	Passed February 26; returned from House with amendments March 3.
91	January 22...	A BILL to amend section 2 of an act to secure a joint valuation and taxation of all railroad property within this State, to legalize the valuation, assessments, adjustment, and payment of taxes for such property, made subsequent to the year 1855, approved December 18, 1853.	Huffman.	To Committee on Corporations; ordered to lie on table February 3; on second reading.
92	January 22...	A BILL to prescribe the duration of the terms of the Circuit Courts in Counties of Newton and Jasper.	Wolcott.	To the Committee on Organization of Courts; amended on third reading.
93	January 22...	A BILL to regulate the practice as to making, reading and signing the record entries in the Circuit Courts and Courts of Common Pleas, and to repeal all laws in conflict therewith.	Holk.	To Committee on Judiciary; failed for want of a constitutional majority February 9.
94	January 25...	A BILL touching the consolidation of Railroads, and declaring the effects of such consolidation.	Cravens.	Passed February 9.
95	January 25...	A BILL to amend section 303 of an act to revise, simplify, and abridge the rules, practice, pleadings and forms in civil cases in the Courts of this State, to abolish distinct forms of actions at law, and to provide for the administration of justice in a uniform	Bradley.	Passed February 26.

96	January 25...	mode of pleading and practice, without distinction between law and equity. A BILL prohibiting Supreme, Circuit and Common Pleas Judges, Clerks of the Circuit Courts, Clerks of the Courts of Common Pleas, Auditors, Treasurers, Recorders, Sheriffs and their deputies, from practicing law in any of the Courts of this State, except as in this act permitted, and prescribing punishment for the violation thereof.	Wood.	Passed February 9.
97	January 25...	A BILL making an appropriation of four hundred and thirteen thousand five hundred and ninety-nine dollars and forty-eight cents, to pay the claims of and sufferers by the Morgan raid.	Bellamy.	Failed to pass for want of constitutional majority March 3.
98	January 25...	A BILL to provide for the assessment and collection of taxes, for municipal purposes on the shares of stock owned in banks or banking associations doing business in this State.	Green.	To Committee on Corporations; ordered to lie on table February 12; on third reading.
99	January 25...	A BILL to establish an Agricultural College in connection with the State University.	Hughes.	To Committee on Education; on second reading.
100	January 25...	A BILL to amend the 6th section of an act for the relief of the Indiana University, and to increase and extend its benefits by providing for the sale of the lands granted by the United States for the use of the said University, regulating the application of the proceeds of the sales thereof, and prescribing the duties of the officers therein mentioned in relation thereto, approved March 2, 1859.	Hughes.	To Committee on Education; amended and engrossed February 22; on third reading.
101	January 25...	A BILL to authorize the Trustees of the State University to establish a Medical College.	Hughes.	To Committee on Education; ordered to lie on table February 23; on second reading.
102	January 25...	A BILL to amend the 5th division of section 324 of the 2d volume R. S. of 1852, chapter 1, of an act to revise, simplify and abridge the rules, practice, pleadings and forms in civil actions in the courts of this State, to abolish distinct forms of actions at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity.	Green.	To Committee on Judiciary; amended and engrossed; on third reading.
103	January 25...	A BILL to amend section 7 of an act entitled "An act regulating the granting of divorces, nullification of marriages and decrees, and orders of courts incident thereto."	Case.	To Committee on Judiciary; ordered to lie on table February 10; on second reading.
104	January 25...	A BILL for the appointment of official reporters for the courts of this State.	Stein.	To Committee on Judiciary; on second reading.
105	January 25...	A BILL to repeal an act entitled "An act to amend an act in relation to County Treasurers," approved June 4, 1852, and declaring an emergency, approved March 5, 1855.	Case.	Passed February 26.
106	January 25...	A BILL to revise and amend section 24 of an act regulating decents, and the apportionment of estates, approved May 14, 1852.	Lasselle.	To Committee on Rights and Privileges; ordered to lie on table February 12.
107	January 25...	A BILL to amend sections 2 and 3 of an act entitled "An act for the incorporation of County Libraries," approved June 18, 1862.	Caven.	To Committee on Education; ordered to lie on table January 27; taken from table February 5; engrossed February 22; on third reading.
108	January 25...	A BILL to amend an act entitled "An act to provide for the registry of voters, and to declare their residence, and to punish fraudulent practices touching elections, and defining the duties of certain officers therein named, and the form of the ballot, and	Bellamy.	To Committee on Elections; engrossed February 22; on third reading.

CALENDAR OF SENATE AND HOUSE BILLS AND JOINT RESOLUTIONS—Continued.

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No.	WHEN INTRODUCED.	TITLE.	By Whom.	DISPOSITION.
109	January 26...	providing for the compensation of such officers, approved March 11, 1867. A BILL to amend section 7 of an act to provide compensation to the owners of animals killed or injured by the cars, locomotives, or other carriages of any railroad company in this State, and to enforce the collection of judgments rendered on account of the same, and to repeal all laws inconsistent therewith, approved March 4, 1863.	Gray.	To Committee on Corporations; indefinitely postponed, February 3d; on second reading.
110	January 26...	A BILL to create the Twenty-Fourth Judicial Circuit, providing for the appointment and election of a Judge and Prosecuting Attorney therein, and for their compensation, declaring the jurisdiction of the Courts in said Circuit, and providing for a transfer of papers thereto.	Howk.	Passed February 25.
111	January 26...	A BILL to amend section 16 of an act entitled "An act providing for the election or appointment of supervisors of highways, and prescribing certain of their duties, and those of county and township officers in relation thereto," approved March 5, 1859.	Hadley.	To Committee on Roads; ordered to lie on the table February 3; taken from the table February 5; read a third time February 26, and indefinitely postponed.
112	January 26...	A BILL to revise and amend section 1 of an act entitled "An act to exempt property from sale in certain cases," approved February 17, 1852.	Lasselle.	To Committee on Rights and Privileges; March 1, passage recommended; on second reading.
113	January 26...	A BILL providing for the registration of the practicing physicians of this State.	Kinley.	To Special Committee, Kinley, Hess, Armstrong, Shorted and Humphreys; ordered to lie on the table February 18; on second reading.
114	January 26...	A BILL to amend section 19 of an act entitled "An act regulating the fees of officers, and repealing former acts in relation thereto," approved March 2, 1855.	Cavcu.	To Committee on Judiciary; failed for want of a constitutional majority.
115	January 26...	A BILL to amend the 49th section of an act entitled "An act to provide for the opening, vacating and change of highways," approved June 17, 1852, as amended by an act, approved March 9, 1861.	Howk.	Passed February 9.
116	January 26...	A BILL to prohibit any member of the Board of County Commissioners from acting in any other capacity, under or by virtue of any appointment from such Board, than as one of such Commissioners, and repealing so much of all laws or parts of laws as conflict with any of the provisions of this act, and declaring an emergency.	Carson.	Passed February 9.
117	January 26...	A BILL to amend the 5th section of an act approved March 6, 1865, entitled "An act to provide for a general system of common schools, the officers thereof and their respective powers and du-	Jaquess.	To Committee on Education; ordered to lie on the table February 17; on second reading.

118	January 26...	ties, and matters properly connected therewith, and prescribing the fees of certain officers therein named, and for the establishment and regulation of Township Libraries, and to repeal all laws inconsistent therewith, and prescribing penalties therein prescribed.	Rice.	To Committee on Judiciary; engrossed February 20; on third reading.
119	January 26...	A BILL to amend the 16th section of an act entitled "An act to provide for contesting the election to any State, District, Circuit, County, or Township office," approved May 4, 1852, to provide relief in cases of contests erroneously commenced by reasons of the misprint of the said 16th section, and to provide for taking depositions in all contests for Circuit and District officers.	Howk.	Passed February 9.
120	January 26...	A BILL to fix the times of holding the Courts of Common Pleas in the various counties comprising the Fourth Common Pleas Judicial District, providing for the return of process, repealing all laws in conflict with the provisions of this act, and declaring an emergency.	Kinley.	To Committee on Prisons; printed January 27; amended March 3; on second reading.
121	January 27...	A BILL to amend section 172 of an act entitled "An act to provide for the valuation and assessment of the real estate and personal property, and the collection of taxes in the State of Indiana, for the election of Township Assessors, and prescribing the duties of Assessors, Appraisers of Real Property, County Treasurers and Auditors, and of the Treasurer and Auditor of State," approved June 21, 1852.	Deubo.	To Committee on County and Township Business; ordered to lie on the table February 5; on second reading.
122	January 27...	A BILL supplemental to an act to authorize cities and towns to negotiate and sell bonds, to procure means with which to erect and complete unfinished school buildings, and pay debts contracted for the erection of such buildings, and authorizing the levy and collection of an additional special school tax for the payment of principal and interest of such bonds, approved March 11, 1857.	Fosdick.	To Committee on Education; engrossed February 20; on third reading.
123	January 27...	A BILL to amend the 17th section of an act entitled "An act providing for the organization of County Boards, and prescribing some of their powers and duties," approved March 17, 1852.	Beardsley.	Passed February 9.
124	January 27...	A BILL to amend section one of an act entitled "An act to repeal all general laws now in force for the incorporation of cities, and to provide for the incorporation of cities, prescribing their powers and rights, and the manner in which they shall exercise the same, and to regulate such other matters as properly pertain thereto," approved March 14, 1857.	Elliott.	To Committee on Corporation; ordered to lie on the table, February 20; on second reading.
125	January 27...	A BILL to amend the 5th section of an act entitled "An act authorizing the assessment of all lands within one and one-half miles on either side, or within one and one-half miles of the terminus of any Plank, Macadamized or Gravel Road organized under, and pursuant to an act of the General Assembly of the State of Indiana, entitled an act authorizing the construction of Plank, Macadamized and Gravel Roads, approved May 12, 1852, when the subscription to such road amounts to at least eight hundred dollars	Armstrong.	To Committee on Corporation; on second reading.

CALENDAR OF SENATE AND HOUSE BILLS AND JOINT RESOLUTIONS—Continued.

No.	WHEN INTRODUCED.	TITLE.	BY WHOM.	DISPOSITION.
126	January 27...	per mile, and is not sufficient for the construction of the same, and the collection of such assessments, providing the lands are situated in the county in which such roads are located," approved March 11, 1867. A BILL to repeal an act to amend section 35 of an act to provide for a general system of common schools, the officers thereof, and their respective powers and duties, and matters properly connected therewith, and prescribing the fees for certain officers therein named, and for establishing and regulating township libraries, and to repeal all laws inconsistent therewith, providing penalties therein prescribed, approved March 6, 1865, approved December 20, 1866.	Fosdick.	To Committee on Education; ordered to lie on table, February 22; on second reading.
127	January 27...	A BILL to provide for the release of levies on personal property taken upon executives.	Stein.	To Committee on Education; ordered to lie on table, February 15; on second reading.
128	January 27...	A BILL to exempt certain persons therein named from performing labor on the public highways.	Gray.	To Committee on Roads; ordered to lie on table, February 3; on second reading.
129	January 27...	A BILL to amend section 2 and 3 of an act entitled "An act to repeal all general laws now in force for the incorporation of cities, and to provide for the incorporation of cities, prescribing their powers and rights, and the manner in which they shall exercise the same, and to regulate such other matter as properly pertain thereto," approved March 9, 1857, and declaring an emergency.	Henderson.	To Committee on Corporations; ordered to lie on table, February 20; on second reading.
130	January 27...	A BILL to revise and amend section 6 of an act entitled "An act authorizing the construction of Plank, Macadamized or Gravel Roads," approved May 12, 1852.	Lasselle.	To Committee on Corporations; on third reading.
131	January 27...	A BILL to legalize and declare valid and effectual all the orders, judgments and proceedings made, rendered, and had by, and before the Court of Common Pleas of White County, in this State, beginning and held at the Court House in Monticello, in said County, on the 23d day of March, 1868, and continuing from day to day, for two weeks thereafter, and declaring an emergency.	Wolcott.	Passed February 26.
132	January 27...	A BILL to protect and elevate the medical profession, to promote the improvement of medical science and practice, and to protect the health and lives of the people of the State of Indiana.	Wolcott.	To Special Committee; Kinley, Gifford, Hess, Armstrong, Sherrod, Humphreys and Wolcott ordered to lie on table, February 25; on second reading.
133	January 28...	A BILL amendatory of an act touching the removal and relocation of County Seats.	Hanna.	Passed February 18.
134	January 28 ..	A BILL to authorize and encourage the construction of levees, dikes	Bradley.	To Committee on Corporation; read third time,

135	January 23...	and dials, and the reclamation of wet and overflowed lands by incorporated associations, and to repeal all former laws relating to the same subject. A BILL to amend the 2d section of an act entitled "An act providing for the redemption of real property or any interest therein sold on execution or order of sale, and providing for the issuing of certificates of purchase in such cases, and for the execution of conveyances and repealing laws in conflict therewith," approved June 4, 1861, and providing for the security of the purchaser of such real property in case the same shall be redeemed under the provisions of this act. A BILL to authorize the reference of trials to Master Commissioners, and defining their duties relating thereto, and the powers of Courts referring the same. A BILL requiring Plank, Macadamized and Gravel Road Companies, to secure three-fifths of the stock necessary to construct the same before making assessments thereof, providing how assessments shall be made, regulating tolls thereon, and declaring an emergency.	Howk.	March 2, and recommit with instructions. To Committee on Judiciary, February 25; substitute submitted for the bill on third reading.
136	January 23...		Denbo.	To Committee on Judiciary; ordered to lie on table, February 10; on second reading.
137	January 23...		Robinson of Decatur.	To Committee on Corporations; ordered to lie on table, March 2; on second reading.
138	January 23...		Huey.	Passed January 28.
139	January 23...		Kinley.	To Committee on Rights and Privileges; on second reading.
140	January 23...		Hadley.	To Committee on Roads; ordered to lie on table February 3d; on second reading.
141	January 23...		Gray.	To Committee on Corporations; ordered to lie on table February 9; on second reading.
142	January 23...		Lasselle.	Passed February 9.
143	January 23...		Bradley.	To Committee on Judiciary; ordered to lie on table; February 9; read third time.
144	January 23...		Special Committee, Wolcott, Chairman.	Passed February 4.
145	January 23...	A BILL to prevent the introduction and spread of a cattle disease. [See Abstract for this Title.] A BILL to prevent the introduction and spread of a cattle disease.	Select Committee, Wolcott.	Passed February 4.

CALENDAR OF SENATE AND HOUSE BILLS AND JOINT RESOLUTIONS—Continued.

No.	WHEN INTRODUCED.	TITLE.	BY WHOM.	DISPOSITION.
146	January 29...	commonly known as Texas or Spanish Fever, by the importation and introduction of cattle into the State of Indiana, infected with, or liable to impart to other cattle that disease, and providing for the recovery of damages caused by the introduction of such diseased cattle, from the owners of said cattle.	Chairman.	
	A BILL to amend section 8, of an act entitled "An act to allow County Commissioners to organize Turnpike Companies, when three-fifths of the persons representing the real estate within the prescribed limits, petition for the same, and levy taxes for its construction and providing for the same to be free," approved March 6th, 1855.		Elliot	Passed February 26.
147	January 29...	A BILL creating the Ninth and Twelfth Judicial Circuits, and providing for the times of holding courts therein.	Bradley.	To Committee on Organization of Courts; Engrossed February 20; on third reading.
148	January 29...	A BILL to legalize the acknowledgments of deeds, mortgages and other instruments required to be recorded, taken and certified by Notaries Public, who took and certified such acknowledgments after the expiration of their commissions.	Bellamy.	To Committee on Judiciary; Engrossed February 20; on third reading.
149	January 29...	A BILL to amend the 17th section of an act regulating former acts in relation thereto, approved March 2, 1855.	Johnston of Montgomery.	To Committee on Rights and Privileges; Engrossed February 20; on third reading.
150	January 29...	A BILL defining the Common School system of this State.	Kinley.	To Committee on Education on second reading.
151	January 29...	A BILL to enable cities to aid in the construction of railroads and water-powers.	Robinson of Madison.	To Committee on Corporations; amended and Engrossed February 20; on third reading.
152	January 29...	A BILL to amend the 2d section of "an act to provide for the protection of wild game, and defining the time in which the same may be taken or killed, and declaring the penalty for the violation of this act, and repealing all laws inconsistent therewith," approved March 11, 1857.	Johnston of Montgomery.	To the Committee on Agriculture; failed to pass for want of a constitutional majority, March 2.
153	January 29...	A BILL to amend an act entitled "an act providing for the election or appointment of supervisors of highways, and prescribing certain of their duties, and those of county and township officers in relation thereto," approved March 5, 1859.	Gray.	To the Committee on County and Township Business; ordered to lie on the table, Feb. 5, on second reading.
154	January 29...	A BILL to amend the 6th section of an act entitled "an act to amend an act entitled an act providing for the election or appointment of supervisors of highways, and prescribing certain of their duties, and those of county and township officers in relation thereto," approved March 5, 1859, approved December 20, 1865.	Humphreys.	To the Committee on County and Township Business; ordered to lie on the table, Feb. 12, on second reading.
155	February 2...	A BILL fixing the time when personal estate shall be listed, and defining the duties of assessors, Boards of County Commissioners, and boards of equalization, in relation thereto.	Johnston of Montgomery.	To the Committee on County and Township Business; ordered to lie on the table, Feb. 12, on second reading.

156	February 2...	A BILL accepting certain donations from Tippecanoe county, and others, and locating the Agricultural College, contemplated by the act of Congress approved July 2, 1862, and providing for the organization and management thereof.	Steir.	To the Committee on Education; on 2d reading.
157	February 2...	A BILL to provide free transportation for members of the Legislature, in going to and from the Capitol, and to prohibit their acceptance or use of free tickets for transportation, from the railroad companies.	Hughes.	To the Committee on Rights and Privileges; on second reading.
158	February 2...	A BILL to provide for the public printing, regulating the prices to be paid therefor, fixing the time and mode of electing a State Printer, defining his duties, fixing compensation, and repealing all laws coming in conflict with this act.	Hooper.	To the Special Committee on Fees and Salaries; amended Feb. 11, referred to Committee on Fees and Salaries; on third reading.
159	February 2...	A BILL to revise and codify the Laws of the State.	Lasselle.	To the Committee on the Judiciary; failed to pass.
160	February 2...	A BILL fixing the salaries of certain County Officers therein mentioned, and prescribing their duties in certain cases, and fixing the pay of clerks and deputies employed by them.	Henderson.	To the Special Committee on Fees and Salaries; ordered to lie on the table, Feb. 24; on 2d reading.
161	February 2...	A BILL to provide for the Organization of Savings Banks, and the safe and proper management of their affairs.	Stein.	Passed March 2.
162	February 2...	A BILL to provide for the service of process upon railroad companies.	Lasselle.	To the Committee on the Judiciary; engrossed, Feb. 20; on third reading.
163	February 2...	A BILL to amend sections 13, 138, and 140, of "An act to provide for a general system of common schools, the officers thereof, and their respective powers and duties, and matters properly connected therewith," approved March 6, 1855.	Johnston of Montgomery.	To the Committee on Education; ordered to lie on the table, Feb. 15; on second reading.
164	February 3...	A BILL to authorize the amendment of bills of exceptions, in certain cases therein mentioned.	Bradley.	To the Committee on the Judiciary; amended and engrossed, Feb. 26; on third reading.
165	February 3...	A BILL to authorize Boards of County Commissioners to relieve surttees on Official Bonds of County Officers, on petition of a majority of the voters of the county.	Denbo.	To the Committee on County and Township Business; indefinitely postponed, Feb. 8; on third reading.
166	February 3...	A BILL providing for the establishment of Election Precincts, and prescribing the duties of Boards of County Commissioners in relation thereto.	Cravens.	To Committee on County and Township Business. engrossed February 20; on third reading.
167	February 3...	A BILL to amend section 4 of an act entitled "An act for the incorporation of Manufacturing and Mining Companies; companies for Mechanical, Chemical and Building purposes; approved May 20, 1852."	Jaques.	To Committee on Corporations; engrossed Feb. 20; on third reading.
168	February 3...	A BILL to authorize Turnpike and Gravel Road Companies heretofore or hereafter organized in this State, under the laws thereof, to increase the capital stock of their companies, when, in any case, the capital stock in the original articles of association shall be insufficient to construct and equip the road.	Robinson of Madison.	To Committee on Corporations; read second time, February 22, and recommitted.
169	February 3...	A BILL to authorize the Common Council of Incorporated Cities to act as School Trustees; defining their powers and duties; prescribing the manner of assessing and collecting the school taxes of said cities; prescribing certain duties of City Clerks and Treasurers in relation to school matters; repealing conflicting laws and declaring an emergency.	Robinson of Madison.	To Committee on Education; ordered to lie on table, February 10; on second reading.
170	February 3...	A BILL to revise and amend section 13 of an act entitled "An act providing for an organization of Circuit Courts, the election of	Lasselle.	To Committee on Judiciary; ordered to lie on table, February 9; on second reading.

CALENDAR OF SENATE AND HOUSE BILLS AND JOINT RESOLUTIONS—Continued.

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No.	WHEN INTRODUCED.	TITLE.	BY WHOM.	DISPOSITION.
171	February 3...	Judges thereof, and defining their powers and duties," approved June 1, 1852. A BILL to amend an act entitled "An act authorizing the construction of Plank, Macadamized and Gravel Roads, approved May 12, 1852; and the acts passed amendatory thereof.	Scott.	To Committee on Corporations; ordered to lie on table, February 10; on third reading.
172	February 3...	A BILL to exempt Burial Grounds from lien or sale on execution or other process.	Caven.	To Committee on Rights and Privileges; engrossed February 20; on third reading.
173	February 3...	A BILL to change the Corporate Name of the Widows and Orphans' Asylum of Indianapolis.	Caven.	To Committee on Corporations; engrossed Feb. 20; on third reading.
174	February 3...	A BILL to provide for the measurement of Ear Corn and Hay in bulk.	Wolcott.	To Committee on Agriculture; read second time, February 22, and indefinitely postponed.
175	February 4...	A BILL defining who shall be competent Witnesses in any Court or Judicial proceeding in this State, and to repeal all laws and parts of laws in conflict with the provisions of this act.	Hooper.	To Committee on Judiciary; amended and engrossed February 2; on third reading.
176	February 4...	A BILL to amend the fourth section of an act entitled "An act regulating the Fee of Officers, and repealing former acts in relation thereto," approved March 2, 1839, declaring an emergency.	Humphreys.	To Committee on Fees and Salaries; ordered to lie on the table, February 25; on second reading.
177	February 4...	A BILL to prohibit the Clerks of Circuit and other Courts from taking and certifying to declaration of intention of any alien to become a citizen of the United States, except as herein prescribed.	Reynolds.	To Committee on Judiciary; February 11, new bill offered as substitute; February 20, engrossed; on third reading.
178	February 4...	A BILL to amend section 1 of an act fixing the times of holding Circuit Courts in the several counties of this State, approved June 18, 1852.	Lee.	Passed February 4, 1859.
179	February 4...	A BILL to declare what Counties shall constitute the First Judicial Circuit; creating the — and — Judicial Circuits; providing for return of process and other writs thereof, for the appointment and election of Judges and Prosecuting Attorneys thereof; repealing certain laws, and declaring an emergency.	Robinson of Madison.	To Committee on Organization of Courts; ordered to lie on table, February 10; on second reading.
180	February 4...	A BILL to authorize Judges of Common Pleas to appoint Judges to hold adjourned terms, and providing compensation for the same.	Carson.]	Failed for want of constitutional majority February 4; called up February 12 and failed for want of constitutional majority.
181	February 4...	A BILL to amend section 35 entitled "An act to revise, simplify and abridge the rules, practice, pleadings and forms, in civil cases, in the Courts of this State; to abolish distinct forms of actions at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity, and to declare an emergency.	Robinson of Madison.	To Committee on Judiciary; engrossed February 20; on third reading.

182	February 4...	A BILL to provide for a reformatory institution for girls and women.	Reynolds.		Read on table and 200 copies ordered printed February 4; March 1, read second time and ordered to be engrossed; on third reading.
183	February 4...	A BILL to prohibit and punish secret associations not authorized by law.	Lasselle.		To Committee on Judiciary; ordered to lie on table February 9; on second reading.
184	February 5...	A BILL to amend the 17th section of an act approved June 10, 1862, entitled an act defining felonies and prescribing penalties therefor.	Cravens.		To Committee on Judiciary; engrossed February 20; on third reading.
185	February 5...	A BILL to amend section 49 of an act entitled "An act regulating elections," and prescribing the duties of officers in relation thereto."	Denbo.		To Committee on County and Township Business; on second reading.
186	February 5...	A BILL to establish a Court of Common Pleas in each county of the State, defining the jurisdiction thereof and the duties of, and providing for the compensation of the Judges thereof.	Sherrod.		To Committee on Organization of Courts; printed February 5; ordered to lie on table February 23; on second reading.
187	February 5...	A BILL to revise and amend an act entitled "An act in relation to the taxation of lands in towns and cities," approved June 18, 1862.	Cravens.		To Committee on County and Township Business; amended and engrossed February 20; on third reading.
188	February 5...	A BILL to provide for the sale of certain lands belonging to the county of Clay.	Scott.		To Committee on County and Township Business; message recommended; on second reading.
189	February 5...	A BILL to amend section 18 of an act entitled "An act to provide for the registry of voters and to declare their residence, and to punish fraudulent practices touching elections, and defining the duties of certain officers therein named and the form of the ballots, and providing compensation for the services of such officers.	Wood.		To Committee on Education; amended and engrossed February 22; on third reading.
190	February 5...	A BILL to authorize the people of the several townships in the several counties of this State to prohibit the retailing of spirituous liquors.	Elliott.		To Committee on Temperance; on second reading.
191	February 5...	A BILL enabling cities and towns to build, improve, and keep in repair, roads leading to cemeteries, and or used by the inhabitants of cities or towns, or owned by a city or town, and to annex such road to such city or town, and defining the duties of certain officers.	Hadley.		To Committee on Corporations; amended and engrossed February 20; on third reading.
192	February 5...	A BILL to amend section 15 of an act entitled "An act regulating general elections, and prescribing the duties of the officers in relation thereto," approved March 11, 1867.	Elliott.		To Committee on Elections; ordered to lie on table February 19; on second reading.
193	February 5...	A BILL to amend secs. 1 and 10 of an act entitled "An act to provide for the registry of voters and to declare their residence, and to punish fraudulent practices touching elections, and defining the duties of certain officers therein named and the form of the ballots, and providing compensation for the services of such officers," approved March 11, 1867.	Gray.		To Committee on Elections; ordered to lie on table February 19; on second reading.
194	February 5...	A BILL to make an appropriation for the payment to the Sinking Fund of money advanced to pay the expense of the erection of the building for the use of the Supreme Court and offices of State.	Stein.		To Committee on Finance; amended and engrossed February 20th, on third reading.
195	February 5...	A BILL to amend the 17th section of an act entitled "An act to repeal all general laws now in force for the incorporation of cities, and to provide for the incorporation of cities, prescribing their powers and rights, and the manner in which they shall exercise the same, and to regulate such other matters as properly pertain thereto," approved March 14, 1867.	Henderson.		To Committee on Corporations, on second reading.

CALENDAR OF SENATE AND HOUSE BILLS AND JOINT RESOLUTIONS—Continued.

No.	WHEN INTRODUCED.	TITLE.	BY WHOM.	DISPOSITION.
196	February 5...	A BILL defining the crimes of grand and petit larceny, and prescribing punishment therefor, and repealing sections 19 and 20 of "An act defining felonies, and prescribing punishment therefor," approved June 10, 1852.	Caven.	To Committee on Judiciary; ordered to lie on the table February 9th, on second reading.
197	February 8...	A BILL to provide for an extended and improved system of education in the State of Indiana, by increasing and securing the endowment of the State University at Bloomington, endowing a Law School and Law Library therein, by appropriating thereto any net revenues that may arise from the State Prisons, or either of them, providing free tuition in said University, establishing and endowing, at Indianapolis, a Medical Department of said University, providing for contingent expenses connected therewith, and for the sale or lease of Square No. 25, in the city of Indianapolis, empowering said city to purchase said square; for the improvement and management of the proceeds thereof, and the government of said Medical Department; declaring the State Normal School at Terre Haute a branch of said University, and appropriating \$75,000 for the benefit thereof, and adding a trustee; accepting certain donations from the Commissioners of Tippecanoe county, and others; establishing an Agricultural College in said State University, and fixing and pledging the location and providing for its organization and government, and adding a trustee; providing for matters pertaining to said subject, and declaring an emergency.	Hughes.	To the Committee of the Whole; reported from Committee of the Whole, with amendments, February 25th; amended and engrossed February 26th; on third reading.
198	February 8...	A BILL authorizing the assessment of lands for plank, Macadamized, and gray iron roads purposes, prescribing the manner of assessing and collecting the same, and repealing the law on that subject.	Green.	To Committee on Corporations; substituted by Senate Bill 295, February 27th.
199	February 8...	A BILL to amend sections 1 and 3 of an act entitled "An act to repeal all general laws now in force for the incorporation of cities, prescribing their powers and rights, and the manner in which they shall exercise the same," and to regulate such other matters as properly pertain thereto," approved March 14, 1867.	Wood.	To Committee on Corporations; engrossed February 20th; on third reading.
200	February 8...	A BILL to legalize the tax assessments for the year 1868 in certain incorporated cities.	Robinson, of Madison.	To Committee on Judiciary; engrossed February 20th; on third reading.
201	February 8...	A BILL to revise and amend an act entitled "An act to amend section 5 of an act entitled 'An act providing for the organization of Circuit Courts, the election of Judges thereof, and defining their powers and duties,'" approved June 1, 1852, and providing	Howk.	To Committee on Organization of Courts; engrossed February 20th; on third reading.

202	February 8...	for Criminal and Civil courts," approved December 26, 1862. Approved March 8, 1867. A BILL to authorize railroad companies to sell, lease, or otherwise dispose of and contract for the use of their roads, franchise and property, or any part thereof, and authorizing railroad companies to add other railroad companies in the construction and equipment of their roads.	Robinson, of Madison.	To Committee on Corporations; amended and engrossed February 22d; on third reading.
203	February 8...	A BILL to amend an act to authorize, regulate, and confirm the sale of railroads, to enable purchasers of the same to form corporations and exercise corporate powers, and to define their rights, powers, and privileges, to enable such corporations to purchase and construct connecting and branch roads, and to operate and maintain the same, approved March 3, 1865, and extending the provisions of this act to all other railroad companies.	Robinson, of Madison.	To Committee on Corporations; engrossed February 22d; on third reading.
204	February 8...	A BILL to repeal an act entitled "An act to provide for the registry of voters, and to declare their residence, and to punish fraudulent practices touching elections, and defining the duties of certain officers therein named, and the form of the ballots, and providing compensation for the service of each officer," approved March 11, 1867.	Bird.	To Committee on Corporations; on second reading.
205	February 8...	A BILL to revise and amend the 79th section of an act entitled "An act to repeal all general laws now in force for the incorporation of cities, and to provide for the incorporation of cities, prescribing their powers and rights, and the manner in which they shall exercise the same, and to regulate such other matters as properly pertain thereto," approved March 14, 1867.	Howk.	To Committee on Corporations; amended and engrossed February 20; on third reading.
206	February 8...	A BILL to fix the time of holding the Circuit Courts in the several counties comprising the Sixth Judicial Circuit, repealing all laws in conflict therewith, making all process returnable to the times fixed by this act, and regulating the transaction of business therein.	Henderson.	To Committee on Organization of Courts; ordered to lie on table Feb. 23d; on second reading.
207	February 8...	A BILL to amend section 37 of an act entitled "An act to provide for a general system of common schools, the officers thereof, and their respective powers and duties, and matters properly connected therewith, and prescribing the fees for certain officers therein named, and the establishment of and regulation of township libraries, and to repeal all laws inconsistent therewith, providing penalties therein prescribed," approved March 6, 1865.	Scott.	To Committee on Education; ordered to lie on table February 10th; on second reading; —
208	February 8...	A BILL to authorize County Commissioners to make allowances in certain cases.	Cavan.	To Special Committee on Fees and Salaries; ordered to lie on the table February 25; on second reading.
209	February 8...	A BILL providing for the forfeiture of estates for life, where the owners thereof fail to pay the taxes assessed against the same.	Cavan.	To Committee on Rights and Privileges; ordered to lie on table February 11; on second reading.
210	February 8...	A BILL to define certain offences therein named, and to prescribe punishment therefor; and to suppress the usurpation of the functions of the Judiciary in the punishment of real or pretended offences.	Wolcott.	To Committee on Judiciary; February 20 was amended by inserting "\$10,000," engrossed; on third reading.
211	February 8...	A BILL defining what Counties shall constitute the Eighth Judicial Circuit, and fixing the terms of holding the Courts therein.	Rice.	Passed March 2.
212	February 9...	A BILL to repeal section 3 of an act entitled "An act authorizing	Committee.	To the Committee on Corporations; on second

CALENDAR OF SENATE AND HOUSE BILLS AND JOINT RESOLUTIONS—Continued.

No.	WHEN INTRODUCED.	TITLE.	BY WHOM.	DISPOSITION.
213	February 9...	the construction of plank, macadamized and gravel roads, and to empower the same to make sale of a portion of their road, approved February 28, 1855, and also to repeal an act amendatory thereof, approved March 11, 1857.	Rice.	To Committee on Judiciary; ordered to lie on table February 12; on second reading.
214	February 9...	A BILL to amend sections 1, 2, 3, 4, 5, 6 and 7, of "An act authorizing the assessment of all lands within one and one-half miles on either side, or within one and one-half miles of the terminus of any plank, macadamized or gravel road, organized under and pursuant to an act of the General Assembly of the State of Indiana entitled an act authorizing the reconstruction of plank, macadamized and gravel roads," approved May 12, 1852, when the subscription to said road amounts to at least eight hundred dollars per mile, and is not sufficient for the completion of the same, and the collection of such assessment; provided, the lands are situated within the County in which said road is located, approved March 11, 1857.	Cravens.	To Committee on Corporations; ordered to lie on table February 9, and 200 copies to be printed; substituted by S. B. 235.
215	February 9...	A BILL to authorize Counties to aid in the construction of Railroad roads by taking stock and making donations to Railroad Companies.	Stein.	To Committee on Judiciary; ordered to lie on table February 9, and 200 copies to be printed; February 23, amended; February 27, engrossed; on third reading.
216	February 10...	A BILL making appropriation for publishing the reports of the State Board of Agriculture.	Committee on Printing.	Engrossed February 20; on third reading.
217	February 10...	A BILL regulating the fees of County officers, and declaring an emergency.	Kinley.	Passed March 2.
218	February 10...	A BILL for the better regulation of traffic on Railroads, and to facilitate trade and intercourse thereon.	Green.	Ordered to lie on table February 10, and 200 copies to be printed; February 20, engrossed; on third reading.
219	February 10...	A BILL to amend section 3 of an amendatory act for the regulation of weights and measures, approved June 9, 1852, and declaring an emergency.	Reynolds.	To Committee on Agriculture; substitute offered February 12; February 20, ordered to lie on table for further consideration; on third reading.

NOTE.—Title of substitute: A bill to amend section 1 of an act entitled "An act to amend section 3 of an act for the regulation of weights and measures," approved June 9, 1852; approved February 28, and declaring an emergency.

220	February 10.	A BILL authorizing parties losing money or valuable property on gaming or lotting, to sue for and recover the same.	Fisher.	To Committee on Rights and Privileges; February 20, amended and engrossed; on third reading.
221	February 10.	A BILL to revise and amend section 6, 15 and 29, and to repeal section 30 of the General Election Law of 1852, and to repeal the Registry Law of 18 7.	Lasselle.	To Committee on Elections; ordered to lie on table February 19; on second reading.
222	February 10.	A BILL to legalize certain defective and irregular assessments for the year 1858, in incorporated cities, and declaring an emergency.	Lee.	Passed February 10.
223	February 10.	A BILL appropriating fifteen thousand dollars for the completion of the building now occupied by the Officers of State and the Supreme Court, and belonging to the State of Indiana; and for paying the sidewalks fronting and around the same.	Committee.	Passed March 2.
224	February 10.	A BILL legalizing the use of a seal purporting to be the Seal of the Adjutant General's Office; and providing for an official seal for said office.	Hadley.	To Committee on Judiciary; engrossed February 20; on third reading.
225	February 10.	A BILL changing the name of the Indiana State Board of Agriculture.	Kinley.	To Committee on Agriculture; engrossed Feb. 20; on third reading.
226	February 10.	A BILL to amend an act entitled "An act to provide for the protection of fish, and defining the times in which they may be netted, trapped, or seined; affixing a penalty for the violation of this act, and declaring an emergency," approved March 9, 1857.	Kinley.	Read second time, February 20, and laid on table.
227	February 11.	A BILL to fix the time of holding Courts of Common Pleas in the Counties of Lawrence, Jackson, Jennings and Bartholomew; repealing inconsistent laws, and declaring an emergency.	Lee.	Passed February 11.
228	February 11.	A BILL to create a Department of Insurance.	Jaques.	To Committee on Fees and Salaries; ordered to lie on table, February 27; on second reading.
229	February 11.	A BILL regulating the Fees of County Clerks, County Treasurers and County Auditors, and repealing all former acts in relation thereto, and declaring an emergency.	Hamilton.	To Special Committee on Fees and Salaries; ordered to lie on table, February 25; on second reading.
230	February 12	A BILL to amend section 4 of an act approved February, 1855, entitled "An act appointing Commissioners to sell certain real estate therein named; to provide a residence for the Governor of the State, and to make him an allowance in lieu thereof, until the same is provided; and matters properly connected therewith."	Church.	To Special Committee on Fees and Salaries; ordered to lie on table, February 12; taken from table, February 22; read second time, and ordered to lie on table, and motion to reconsider vote laying on table, laid on table.
231	February 12.	A BILL to amend section 2 of "An act to provide for a State Debt Sinking Fund," approved December 21, 1855, making the Governor a member of the Board of State Sinking Fund.	Cravens.	Passed February 12.
232	February 12.	A BILL to repeal an act entitled "An act to provide for the assessment and collection of taxes on the shares of stocks owned in Banks and Banking Associations doing business in this State," approved March 15, 18 7.	Green.	To Committee on Judiciary; February 17, ordered to lie on table; on second reading.
233	February 12.	A BILL to repeal an act entitled "An act to authorize the formation of companies for the detection and apprehension of horse thieves and other felons, and defining their powers," approved March 3, 1852.	Kinley.	To Committee on Judiciary; ordered to lie on table, February 17; on second reading.
234	February 12.	A BILL to legalize and declare valid the acknowledgment of certain deeds, conveyances, and other instruments in writing, which have been recorded in any of the Recordors' Offices of the	Case.	Passed March 3.

CALENDAR OF SENATE AND HOUSE BILLS AND JOINT RESOLUTIONS—Continued.

No.	When Introduced.	Title.	By Whom.	Disposition.
235	February 12.	several Counties of this State, and which, by reason of certain informalities in the certificate of acknowledgment, or the authentication thereof, were not entitled to Record. A BILL to render taxation for Common School purposes uniform, regardless of the race or color of the persons to be taxed, and to extend the benefits of the Common School system to colored children.	Hooper.	To Committee on Education; printed; ordered to lie on table, February 25; on third reading.
236	February 12.	A BILL to amend section 31 of an act entitled "An act for the incorporation of towns, defining their powers, providing for the election of the officers thereof, and declaring their duties," approved June 11, 1852, as amended by an act approved March 3, 1853, and as amended by an act approved March 3, 1857, and declaring an emergency.	Fosdick.	To Committee on Corporations; on second reading.
237	February 12.	A BILL to repeal section 119 of an act entitled "An act to provide for the valuation and assessment of the real estate and personal property, and the collection of taxes in the State of Indiana, for the election of Township Assessors, and prescribing the duties of Assessors, Appraisers of real estate, County Treasurers and Auditors, and of the Treasurer and Auditor of State," approved June 21, 1852.	Cass.	To Committee on County and Township Business; on second reading.
238	February 12.	A BILL to amend section 200 of chapter 1 of an act entitled "An act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the Courts of this State, to abolish distinct forms of actions at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity," approved June 18, 1852, and declaring an emergency.	Stein.	Passed March 2.
239	February 12.	A BILL authorizing the classification of the Board of Directors of railroad companies.	Bird.	Passed March 2.
240	February 12.	A BILL to authorize the incorporation of societies for the study and practice of dentistry, defining their powers, and declaring an emergency.	Caven.	To special committee of Messrs. Kinley, Gifford, Hess, Armstrong, Sherrad and Humphreys; amended; on second reading.
241	February 15.	A BILL entitled "An act to amend an act to incorporate the University of Notre Dame du Lac, at South Bend, St. Joseph county, Indiana," approved January 15, 1814.	Reynolds.	To Committee on Education; amended and engrossed February 27; on third reading.
242	February 15.	A BILL creating the Twenty-Fifth Common Pleas District, and making provisions therefor, and repealing all laws coming in conflict therewith.	Sherrad.	To Committee on Organization of Courts; ordered to lie on table February 24; on second reading.
243	February 15.	A BILL supplementary to section 68 of an act entitled "An act to	Lasselle.	To Committee on Corporations; on second read-

244	February 15.	repeal all general laws now in force for the incorporation of cities, and to provide for the incorporation of cities, prescribing their powers and rights, and the manner in which they shall exercise the same, and to regulate such other matters as properly pertain thereto," approved March 14, 1867. A BILL to amend an act entitled "An act to provide for a general system of common schools, the officers thereof, and their respective powers and duties, and matters properly connected therewith, and prescribing the fees for certain officers therein named, and for the establishment and regulation of township libraries, and to repeal all laws inconsistent therewith, providing penalties therein prescribed," approved March 6, 1866, and adding supplemental section thereto.	Bellamy.	Printed; read second time February 22; engrossed March 3; on third reading.
245	February 15.	A BILL to amend an act entitled "An act to extend the time for the incorporation of railroads in all cases in which ten thousand dollars per mile has been expended in their construction, and declaring at what time the act shall take effect and be in force," approved February 18, 1863.	Johnson of Montgomery.	To Committee on Corporations; on second reading.
246	February 15.	A BILL to amend sections 4, 13 and 15 of an act entitled "An act to establish a home for the maintenance of sick and disabled Indiana soldiers and seamen, and their orphans and widows," approved March 17, 1867, and supplementary to said act.	Hess.	To Committee on Benevolent Institutions; read second time February 27; laid on table and 200 copies printed.
247	February 15.	A BILL fixing the times of holding the Courts in the Fifth Judicial Circuit, prescribing the length of terms thereof, and repealing all laws in conflict herewith.	Hadley.	Passed February 15.
248	February 15.	A BILL to amend section 3 of an act in relation to witnesses, approved December 21, 1865.	Craven.	To Committee on Organization of Courts; laid on table February 18; taken from table February 24, and referred to Committee on Organization of Courts; on second reading.
249	February 15.	A BILL to provide for the construction and maintenance of fish ladders.	Wolcott.	To Committee on Rights and Privileges; on third reading.
250	February 15.	A BILL to amend an act entitled "an act concerning the organization of Voluntary Associations, and repealing all former laws in reference thereto," approved Feb. 12, 1865, by adding thereto four sections.	Craven.	To Committee on Corporations; ordered to lie on the table, Feb. 20; on second reading.
251	February 15.	A BILL to amend section one of an act entitled "An act to authorize Township Trustees, Trustees of Incorporated Towns, and the Common Council of Cities, to levy a tax for School Purposes," approved March 9, 1867, adding a section and declaring an emergency.	Kinley.	To the Committee on Education; amended and engrossed, Feb. 20; on third reading.
252	February 15.	A BILL creating the Office of Railroad Policeman, defining his duties, and fixing his fees.	Craven.	To the Committee on Rights and Privileges; on second reading.
253	February 15.	A BILL to enable the several Criminal Circuit Courts of this State, to try and determine suits upon certain forfeited recognizances, defining the duties of Prosecuting Attorneys in the premises.	Stein.	To the Committee on the Judiciary; amended and engrossed, Feb. 22, on third reading.
254	February 15.	A BILL declaratory of the true meaning and intent of the 27th section of an act entitled "an act regulating descents, and appointment of estates," approved May 14, 1852.	Lasselle.	To the Committee on the Judiciary; engrossed March 1st, on third reading.
255	February 15.	A BILL to save pending suits affected by the passage of an act entitled "an act to repeal section 43, and 44, of an act entitled an	Lasselle.	Passed March 2d.

CALENDAR OF SENATE AND HOUSE BILLS AND JOINT RESOLUTIONS.--Continued.

No.	WHEN INTRODUCED	TITLE.	BY WHOM.	DISPOSITION.
256	February 17.	act prescribing who may make a will, the effect thereof, what may be devised, regulating the revocation, admission to probate, and contest thereof," approved December 21, 1865. A BILL to fix the times of holding the Courts of Common Pleas in the Eleventh Judicial District, repealing all other laws on the same subject, and declaring when this act shall take effect.	Robinson of Madison.	Passed Feb. 17.
257	February 19.	A BILL to provide for the erection of an Executive Mansion, making an appropriation for the site thereof, the means for its construction, and appointing a Building Committee to superintend the same, and declaring an emergency.	Cravens.	To the Committee on Public Buildings; reported back Feb. 27, with substitute; substitute laid on the table, on second reading.
258	February 19.	A BILL to allow Partnerships to bring and maintain suits in their adopted names, in certain cases.	Fisher.	To the Committee on the Judiciary; engrossed March 1st, on third reading.
259	February 19.	A BILL to authorize the Governor to issue a Patent to Samuel Cooper, for certain Michigan Road Lands, in St. Joseph county.	Reynolds.	Passed Feb. 19.
260	February 19.	A BILL to increase the Fees of County Treasurers for collecting delinquent taxes, and to impose penalties on such Treasurers, for a failure to use due diligence in the collection of such taxes.	Hamilton.	To the Committee on Fees and Salaries; ordered to lie on the table, March 1st; on second reading.
261	February 19.	A BILL to allow Cities and Incorporated Towns within this State, to erect buildings for fire and other municipal purposes, on docks and wharfs in certain cases.	Fisher.	To the Committee on the Judiciary; engrossed March 1st; on third reading.
262	February 19.	A BILL requiring certain pleadings of fact in actions founded on Bills of Exchange, Promissory Notes and Accounts, to be verified by affidavit.	Hooper.	To the Committee on the Judiciary; amended and engrossed March 1st; on third reading.
263	February 19.	A BILL to authorize Notaries Public and others authorized to administer oaths to persons, such service in behalf of Pensioners free of charge, and affixing a penalty for the violation of this requirement.	Cravens.	To the Committee on the Judiciary; ordered to lie on the table, Feb. 23; on second reading.
264	February 19.	A BILL supplemental to an act entitled "An act to require surviving partners to file inventories and appraisements in the office of the Clerk of Common Pleas Court, and to report liabilities of the firm," approved March 5th, 1859; further requiring such surviving partners to file bonds in said office, and requiring said clerk to spread said inventories, appraisements and report of liabilities on record.	Scott.	To Committee on County and Township Business; on second reading.
265	February 19.	A BILL to amend section 16 of an act entitled "An act providing for the election or appointment of Supervisors of Highways and prescribing certain of their duties, and those of the county and township officers in relation thereto, and providing for an appeal in certain cases to the Circuit or Common Pleas Courts."	Armstrong.	To Committee on Roads; ordered to lie on table March 3; on second reading.

266	February 19.	A BILL to amend the 68th section of an act entitled "An act to revise, simplify and abridge the rules, practice and pleadings and forms in criminal actions in the Courts of this State," approved January 17, 1832.	Bradley.	To Committee on Judiciary; ordered to lie on table February 23; on second reading.
267	February 19.	A BILL to prevent the destruction and larceny of timber and stone, and prescribing punishment therefor.	Gray.	To Committee on Rights and Privileges; ordered to lie on table March 3; on second reading.
268	February 19.	A BILL to amend the 1st section of an act to fix the times of holding the courts of Common Pleas in the Fifth Judicial District, repealing all laws on the same subject, and declaring when this act shall take effect."	Cravens.	Passed February 19.
269	February 20.	A BILL to amend the title to an act entitled "An act to amend section 5, of an act entitled an act regulating the fees of officers and repealing former acts in relation thereto," approved March 24, 1833, approved March 3d, 1833.	Gray.	To Committee on Fees and Salaries; on second reading.
270	February 20.	A BILL to provide for the payment of certain claims for ditching swamp lands, out of the General Swamp Land Fund.	Gray.	Passed February 25.
271	February 20.	A BILL to prevent drunkenness.	Bradley.	To Committee on Temperance; on second reading.
272	February 20.	A BILL to incorporate the Indiana Homestead Company, and to authorize the persons therein named to organize a company for the purpose therein named, of transacting business generally in reference to the purchase and sale of real estate, the construction of store and dwelling houses, and such other business the Board of Directors may think proper.	Moutgomery.	To Committee on Corporations; on second reading.
273	February 20.	A BILL to authorize the issuing of arms and equipments to regularly incorporated military companies.	Caven.	To Committee on Military Affairs; ordered to lie on table March 3; on second reading.
274	February 22.	A BILL regulating the fees of County Clerks, in reference to estates and guardianship, and repealing former acts in relation thereto and declaring an emergency.	Hamilton.	To Committee on Fees and Salaries; on second reading.
275	February 22.	A BILL to amend an act entitled "An act for the incorporation of Intrans Companies and fixing their powers and prescribing their duties," approved June 17th, 1852.	Rice.	To Committee on Corporations; on second reading.
276	February 22.	A BILL for the relief of the heirs of Patrick Donovan, deceased.	Church.	To Select Committee, Church, Bradley and Reynolds; Engrossed March 15; on third reading.
277	February 22.	A BILL regulating the employment of persons under sixteen years of age in cotton and woolen mills of this State, and providing for the education of such persons.	Committee on Agriculture	Read second time, February 25; Engrossed February 25.
278	February 24.	A BILL concerning appeals in cases of contempt.	Hanna.	To Committee on Judiciary; on second reading.
279	February 24.	A BILL to reorganize the Ninth Judicial Circuit, providing for the times of holding Courts therein, repealing all laws in conflict therewith, and declaring an emergency.	Bradley.	Passed February 25.
280	February 24.	A BILL to amend the 1st section of an act entitled "An act regulating docket fees of District Attorneys in the Court of Common Pleas and before Justices of the Peace, and regulating Prosecuting and District Attorney's fees for prosecutions on forfeited recognizances," approved June 4, 1841.	Cravens.	To Committee on Fees and Salaries; on second reading.
281	February 24.	A BILL to provide for the judicial decision of the title and use of square No. 25 in the City of Indianapolis, to quiet controversy concerning the same, and to protect the rights of the State therein.	Hughes.	To Committee on Judiciary; amended; on second reading.

CALENDAR OF SENATE AND HOUSE BILLS AND JOINT RESOLUTIONS—Continued.

No.	When Introduced.	Title.	By Whom.	Disposition.
282	February 24.	A BILL defining and providing punishment for libel		
283	February 24.	A BILL to prevent the running at large of bulls, rams and boars.	Hughes. Armstrong.	To Committee on Judiciary; on second reading. To Committee on Rights and Privileges; on second reading.
284	February 24.	A BILL to provide for the erection and repair of any bridge across a stream forming the boundary line between two counties, and to repeal all laws inconsistent therewith.	Sherrod.	To Special Committee, Sherrod, Andrews and Fisher; on second reading.
285	February 24.	A BILL to amend section 1 of an act entitled "An act to incorporate the University of Notre Dame Du Lac, at South Bend, St. Joseph County, Indiana," approved January 15, 1884.	Wolcott.	On second reading.
286	February 24.	A BILL supplementary to an act entitled "An act to incorporate the Franklin Insurance Company," approved February 13, 1881, authorizing said company to change its place of business, to increase its capital stock, and contract for and increase the rate of interest established by law.	Henderson.	Passed March 3d.
287	February 24.	A BILL to amend section 5 of an act entitled "An act to render uniform the assessments of personal property in the several townships of the different counties," approved December 19, 1885.	Armstrong.	To Committee on County and Township Business; ordered to lie on the table March 3; on second reading.
288	February 24.	A BILL to amend sections 25 and 28 of an act entitled "An act dividing the State into counties, defining their boundaries, and defining the jurisdiction of such as border on the Ohio and Wabash rivers," approved June 7, 1882, and to provide for jurisdiction and collection of certain taxes in the territory aforesaid, and providing for submitting the question of readjusting the State Industrial College.	Rice.	To Committee on Judiciary; ordered to lie on the table February 27; on second reading.
289	February 24.	A BILL to provide for the selection and location of a site for a State Industrial College.		[voters of these counties of Warren and Fountain, to the legal To Committee on Education and Agriculture; ordered to lie on table March 30; on second reading.
290	February 25.	A BILL creating the ——— Judicial Circuit, and fixing the times of holding Court therein.	Robinson of Madison.	Passed March 3d.
291	February 25.	A BILL to amend section 8 of an act entitled an act to repeal all general laws now in force for the incorporation of cities, prescribing their powers and rights, and the manner in which they shall exercise the same, and to regulate such other matters as properly pertain thereto, approved March 14, 1867.	Caven.	To Committee on Corporations; on second reading.
292	February 25.	A BILL to transfer the county of Boone from the first to the second Judicial Circuit, to provide for the time of holding courts therein, and to repeal all laws in conflict with this act, and declaring an emergency.	Donbo.	Passed March 3.
293	February 25	A BILL to amend the 35th section of an act entitled "An act defining felonies and prescribing punishment therefor," approved June 10, 1882.	Carson.	To Committee on Judiciary; on second reading.

294	February 25	A BILL to fix the time of holding the courts in the Counties of Carroll and Cass, in the 1st Judicial Circuit.	Lasselle.	On second reading.
295	February 27	A BILL authorizing the assessment of lands for plank, macadamized, and gravel road purposes, and prescribing the manner of assessing and collecting the same, and repealing the law on the subject, approved March 11, 1874.	Committee on County and Township Business.	Substitute for Senate bills Nos. 198 and 214; amended and engrossed February 27; on third reading.
296	March 1	A BILL to enable railroad companies to issue bonds, to sell them to cities, towns and counties, and to authorize cities, towns and counties to issue bonds with which to buy such railroad bonds.	Jaques.	To Committee on Corporations; ordered to lie on table March 3; on second reading.
297	March 1	A BILL to repeal an act entitled "An act to amend an act entitled an act to authorize the removal of convicts from the Southern State Prison to the Northern State Prison, and providing for the employment of convicts in each of said prisons, directing what counties shall send their convicts to the Northern State Prison, and providing for carrying on the work in building said Northern State Prison, and making appropriations for the support of said prison," approved January 1, 1861, approved March 11, 1875.	Robinson of Madison.	To Committee on Prisons; on second reading.
298	March 1	A BILL making appropriation for the support of the State University and providing for the diminution of the same in certain contingencies.	Hughes.	To Joint Committee on Agriculture and Education; amended March 3; on second reading.
299	March 1	A BILL to amend section one of an act entitled "An act fixing the compensation of Township Assessors," approved March 6, 1865.	Armstrong	To Committee on County and Township Business; ordered to lie on table March 3; on second reading.
300	March 1	A BILL to provide for the sale of the State University.	Jaques.	Rejected March 1.
301	March 1	A BILL to provide for the increase of the endowment of the State University at Bloomington, by accepting of Monroe county \$50,000 offered for the location of the State Agricultural College at Bloomington, in connection with the State University, for the sale of square No. 25, in the City of Indianapolis, and for the investment and management of the proceeds thereof as an endowment fund of said University, and authorizing the Board of Trustees to establish a Law and Medical Department, there-to, and, after realizing interest on proceeds of sale of square 25, in Indianapolis, making tuition free in said State University, except in the Law and Medical Department.	Wolcott.	To Joint Committee on Agriculture and Education March 1; on second reading.
302	March 1	A BILL to amend the 2-6th section of an act entitled "An act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases, in the courts of this State; to abolish distinct forms of actions at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity," approved June 18, 1852.	Church.	On second reading.
303	March 1	A BILL amendatory of section 17 of an act entitled "An act providing for the organization of county boards and prescribing some of their powers and duties," approved June 17, 1852.	Caven.	To Committee on County and Township Business; ordered to lie on table March 3; on second reading.
304	March 1	A BILL to amend an amendment of section 2 of "An act proscribing the powers and duties of Justices of the Peace in State prosecutions," approved December 2, 1855, so as to authorize the service, by any constable or sheriff of any county, of a warrant throughout the State.	Montgomery.	To Committee on Judiciary; on second reading.
305	March 2	A BILL supplemental to an act entitled "An act appointing com-	Cravens.	To Committee on gubernatorial Mandates; on

CALENDAR OF SENATE AND HOUSE BILLS AND JOINT RESOLUTIONS—Continued.

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No.	WHEN INTRODUCED.	TITLE.	BY WHOM.	DISPOSITION.
		missioners to sell certain real estate therein named, to provide a residence for the Governor of the State, and to make him an allowance in lieu thereof until the same is provided," approved February 25, 1865, and to repeal the 6th section of said act.		Second reading.
SENATE JOINT RESOLUTIONS.				
1	January 11...	A JOINT RESOLUTION requesting our Representatives and instructing our Senators in Congress to use their influence to secure the passage of a law increasing the present currency of the country to the extent that the same has been contracted by the retiring of the greenbacks and compound interest notes.	Turner.	Referred to Select Committee of Five—Tanner, Wolcott, Montgomery, Fisher and Scott.
2	January 11...	A JOINT RESOLUTION directing the Auditor of State to prepare a list of the several officers of this State who have filed a list of fees, perquisites and emoluments in his office, in obedience to the provisions of an act titled and approved June 3, 1861.		Passed January 11.
3	January 20...	A JOINT RESOLUTION instructing Senators and requesting Representatives in Congress to inquire into losses of men belonging to Battery F, U. S. Artillery, and take action to repair said losses.	Carson.	Passed January 20.
4	January 25...	A JOINT RESOLUTION in relation to the Harbor at Michigan City.	Bradley.	Passed January 26.
5	January 25...	A JOINT RESOLUTION requesting our Representatives and instructing our Senators in Congress to oppose coin-contract bills in Congress.	Wolcott.	To Committee on Finances.
6	January 25...	A JOINT RESOLUTION requesting our Representatives and instructing our Senators in Congress to use their influence to procure the passage of an act of Congress instructing the Secretary of the Treasury to receive coupons of United States bonds in payment of import duties, and permitting such coupons to be so received, in advance of their becoming due.	Caven.	Ordered to lie on table, February 3.
7	January 28...	A JOINT RESOLUTION instructing our Senators and requesting our Representatives in Congress to vote for and otherwise promote the repeal of the act of Congress commonly known as the Tenure-of-office law.	Hughes.	Passed, January 29.
8	February 2...	A JOINT RESOLUTION appropriating ten thousand dollars, to be expended by the Governor, for the purpose of detecting and	Carson.	Failed for want of a constitutional majority, February 4.

9	February 2...	bringing to punishment the perpetrators of high crimes and offenses lately perpetrated in the State; and also for the purpose of detecting and bringing to justice and punishment, all such as as may hereafter be guilty of like grave offenses; and matters properly connected therewith.	Morgan.	Passed February 3.
10	February 3...	A JOINT RESOLUTION for creating a Second Judicial District for the District Court of the United States in Southern Indiana.	Wolcott.	Passed February 3.
11	February 4...	A JOINT RESOLUTION relative to legalizing coin contracts and reducing the present volume of paper money.	Hughes.	Ordered to lie on table, February 13..
12	February 8...	A JOINT RESOLUTION providing for the close of the Soldiers Home at Knightstown, Indiana, and authorizing the sale thereof by the Governor.	Houghton.	Passed February 8.
13	February 23.	A JOINT RESOLUTION instructing our Senators and requesting our Representatives in Congress to secure the passage of an act for the adjustment of claims due Mary Burress, a resident of Mar in County, State of Indiana, widow of Charles Burress, deceased, late a private of Company B, 89th Regiment Indiana Volunteer Infantry.	Hingbee.	Passed February 23.
14	February 23.	A JOINT RESOLUTION authorizing the Governor to collect by suit from the Terre Haute and Indianapolis Railroad Company all claims, dues and demands rightfully owing to the State.	Green.	
15	March 1.....	A JOINT RESOLUTION declaring it unconstitutional and impolitic for the General Assembly to purchase the Wabash and Erie Canal, to acknowledge any liability on the part of the State on account of the debt charged upon said canal.	Henderson.	Failed for want of a constitutional majority, March 1.
16	March 1.....	A JOINT RESOLUTION to suspend the operation of Senate bill 133, entitled "An act to amend sections 1 and 3 of an act entitled 'An act to provide for the relocation of County Seats, and for the erection of Public Buildings in Counties, in case of such relocation,' approved March 2, 1855, and to amend section 1 of an act amendatory of said act, approved December 18, 1865; and to provide for the appointment of Commissioners, approved by the Governor, February 24, 18 9."	Turner.	Failed for the want of a constitutional majority, March 1.
17	March 1.....	A JOINT RESOLUTION providing for certificates to be signed by the Governor, and countersigned by the Adjutant General, commemorating the services and achievements of Indiana soldiers in the late War of the Rebellion, and making an appropriation therefor.	Morgan.	To Joint Committee on Agriculture and Education.
		A JOINT RESOLUTION placing the Agricultural College Fund to the credit of the Common School Fund of Indiana.		

CALENDAR OF SENATE BILLS—REGULAR SESSION, 1869.

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Number.	TITLE.	Introduced.	By what Senator.	Proceedings thereon.	Passed Senate.	Returned from House.	Governor signed.
1	A BILL to fix the times of holding the Courts of Common Pleas in the Fourteenth Judicial District of the State of Indiana, and other matters properly connected therewith.	70	Green.....	70, 71 107, 139.....	71	107	157
2	A BILL fixing the times of holding Circuit Courts in the counties of a rankin-Union, Fayette, Rush, Shelby, Decatur and Dearborn, and declaring an emergency.	71	Gifford.....	71, 72.....	72		
3	A BILL to repeat section one of an act entitled "An act in relation to applying certain funds therein named to the payment of the public debt and raising a revenue for the support of common schools, and to repeal all laws in conflict therewith," approved March 9, 1861, and to legalize all taxes levied and assessed under the provisions of said act.	74	Carson.....	74, 88.....			
4	A BILL authorizing Superintendent of Public Instruction to adopt a general and uniform system of bookkeeping for township trustees.	74	Johnson.....	75, 88, 136, 402, 408, 409.....			
5	A BILL to amend the first section of an act entitled "An act to declare abandoned certain unfinished railroads, and to provide for their completion; to declare forfeited the franchises of certain railroad companies, and for the assessment of the values thereof; for the organizations of new companies and for making annual settlements, approved March 11, 1863," and for the failure of companies to have formed the preliminary organizations contemplated by the first section of an act entitled "An act to provide for the organization of railroad companies, approved May 11, 1862," shall not invalidate such organizations if otherwise in conformity to law.	75	Reynolds.....	75, 89, 197, 224, 249, 293, 297, 300, [480, 497.....	498		
6	A BILL to authorize appraisers of real estate to appoint deputies and legalize appointments already made, and to fix the pay of appraisers and deputies.	75	Johnson.....	75, 89, 147, 177.....			
7	A BILL to fix the compensation of appraisers of real estate, authorizing the appointment of deputies, extending the time for making such appraisement, making the appraisement of 18 3 the basis of taxation until said appraisement is completed, and repealing all laws in conflict therewith, and declaring an emergency.	75	Bellamy.....	75, 89, 146.....			
8	A BILL declaring prize fighting a felony, and providing punishment therefor.	75	Armstrong.....	75, 89, 329, 317, 371.....	572		
9	A BILL to amend section 27 of an act to provide for a general system of common schools, the officers and duties, and matters properly connected therewith, and prescribing the fees for certain officers therein named, and for the establishment and regulation of township libraries, to repeal all laws inconsistent therewith, and providing penalties therein prescribed, approved March 6, 1865.	76	Huffman.....	76, 89, 431.....			

10	A BILL to repeal an act entitled "An act providing for the redemption of real property, or any interest therein, sold on execution or order of sale, and providing for the issuing of certificates of purchase in such cases, and the execution of conveyances, and repealing all laws in conflict therewith, approved June 4th 1861."	76	Humphrey	76, 89, 108, 128, 144, 145, 330.....	
11	A BILL entitled "An act to repeal the seventeenth section of an act entitled an act to incorporate the Fitchmen and Mechanics' Insurance Company, and declaring an emergency."	81	Cravens	81, 256.....	82
12	A BILL providing for the publication of all notices required by law to be made in newspapers, and prescribing punishment for the violations thereof.....	82	Robinson of Madison	82, 114	218
13	A BILL appropriating seventy-five thousand dollars to defray the expenses of the forty-sixth session of the General Assembly.....	82	Bellamy	82, 83	83
14	A BILL to amend section 1 of an act entitled "An act defining who shall be competent witnesses in any court or judicial cause in this State, and to repeal all laws and parts of laws in conflict with the provisions of this act, and declaring an emergency."	83	Hadley	83, 114, 149	
15	A BILL to repeal an act entitled "An act to provide for the protection of fish, defining the time in which they may be trapped, netted or seined; affixing the penalty for the violation of this act, and declaring an emergency."	85	Elliott	83, 114, 212, 229	
16	A BILL to repeal an act entitled "An act authorizing the assessment of all lands within one and one-half miles on either side, or within one and one-half miles of the terminus of any plank, macadamized or graveled road organized under and pursuant to an act of the General Assembly of the State of Indiana, entitled "An act authorizing the construction of plank, macadamized and gravel roads," approved May 12, 1852; when the subscription to such road amounts to at least eight hundred dollars per mile, and is not sufficient for the completion of the same and the collection of such assessments: <i>Provided</i> the lands are situated within the county in which such road is located."	84	Carson	84, 114, 115	
17	A BILL to regulate the sale of patent rights, and to prevent fraud in connection therewith.....	84	Gray	84, 115, 181, 218, 231	251
18	A BILL empowering colleges and other institutions of learning to hold and enjoy real estate.....	81	Reynolds	84, 115, 152	
19	A BILL to amend the 397th section of an act entitled "An act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State; to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity;" approved June 18, 1852.....	81	Turner	84, 115, 150	
20	A BILL to tax costs in cases where surety in the bond of any guardian, executor, or administrator, shall apply to be released as such surety.....	84	Green	84, 85, 115, 149, 217, 239, 313	
21	A BILL to amend section 10 of an act touching official bonds and oaths.....	85	Denbo	85, 115, 171	
22	A BILL to regulate interest on judgments and decrees.....	85	Beardsley	85, 116, 195, 551	
23	A BILL to provide for procuring the statistics of marriages and divorces, and prescribing the duties of judges, clerks and the Secretary of State, in relation thereto.....	85	Stein	85, 657	
24	A BILL to amend section 78 of an act entitled "An act to revise, simplify and abridge the rules, practice, pleadings and forms in criminal actions in the courts of this State;" approved June 17, 1852.....	85	Carson	85, 116, 119, 204, 218, 243, 297	
25	A BILL concerning witnesses and the examination of witnesses in criminal actions.....	85	Caven	85, 116, 148, 201, 218, 219	
26	A BILL fixing the salaries of Common Pleas Judges, repealing all laws in conflict therewith, and declaring an emergency.....	85	Church	86, 182	

CALENDAR OF SENATE BILLS—REGULAR SESSION, 1869.

Number.	TITLE.	Introduced.	By what Senator.	Proceedings thereon.	Passed Senate.	Returned from House.	Governor signed.
27	A BILL authorizing the Bristol Hydraulic Company to erect a dam across the St. Joseph river at or near Bristol.....	86	Beardsley	86, 242, 273, 352, 543, 636.....	353	170	
28	A BILL to amend the twenty-seventh section of an act providing who may make a will, the effect thereof, what may be devised, regulating the admission to probate and contest thereof; approved May 31, 1852.....	86	Caven.....	86, 150, 207, 320.....			
29	A BILL to amend the seventh section of an act entitled an act providing for the election and qualification of justices of the peace, and defining their jurisdiction, powers and duties in civil cases," approved June 9, 1852.....	86	Turner	86, 148, 204, 219.....			
30	A BILL supplemental to an act to authorize the formation of companies for the construction of water works in and for incorporated cities, to enable such cities to subscribe stock in such companies, and to issue bonds for the payment thereof; approved March 6, 1865.....	86	Caven.....	86, 224, 408, 491, 492.....			
31	A BILL to extend the provisions of an act to authorize and provide for a change of venue in civil actions in certain cases, to all civil actions.....	86	Wolcott.....	87, 148.....			
32	A BILL to fix the time of holding courts in the 17th Judicial Circuit, repealing all other laws on the same subject, and declaring when the same shall take effect.....	87	Robinson of Mad.....	87, 101, 102, 256.....	102	248	250
33	A BILL requiring certain officers of the State to make reports, and providing for the publication thereof.....	87	Wolcott.....	87, 151, 303, 307.....			
34	A BILL concerning the laying out of highways across rail roads.....	109	Bradley.....	109, 392, 483.....			
35	A BILL in relation to docket fees, and declaring an emergency.....	109	Scott.....	109, 239, 274, 352, 476.....			
36	A BILL prohibiting the retail of intoxicating liquors to be used as a beverage, and repealing all conflicting laws.....	109	Kinley.....	109, 305, 396, 336, 402, 482, 483.....			
37	A BILL to amend the 2d section of an act defining who shall be competent witnesses in any court or judicial proceeding in the State, and to repeal all laws and parts of laws in conflict with the provisions of this act, approved March 11, 1857.....	109	Gray.....	109, 151.....			
38	A BILL abolishing April elections and declaring when township officers shall be elected and the term of certain officers.....	109	Bellamy.....	110, 211, 449.....			
39	A BILL to amend the 25th section of an act regulating descents and the apportionment of estates, approved March 14, 1852.....	110	Green	110, 236, 237.....			
40	A BILL to repeal the 44th and 82d sections, and to amend the 51st and 93d sections of "An act to revise, simplify and abridge the rules, practice, pleadings and forms, in criminal actions in the courts of this State, approved June 17, 1852, and to regulate the practice as to continuances and changes of venue in criminal actions in the courts of this State,".....	110	Howk	110, 169, 506, 605.....			
41	A bill relating to appeals to the Supreme Court.....	110	Scott.....	110, 240, 271.....			

42	A BILL to amend section 13 of an act entitled "An act to provide for the opening, vacating and change of highways,"	110	Hadley	110	.....	518	623
43	A BILL to facilitate the making up the issues in civil actions.....	110	Bradley	110	.....	470	557
44	A BILL to limit the time for commencing actions for the recovery of land sold for taxes, and repealing all laws in conflict therewith, and declaring an emergency.....	111	Denbo	111	.....	233	513
45	A BILL relating to the salaries of the Judges of the Supreme, Circuit, Civil and Criminal Circuit and Common Pleas Courts, and declaring an emergency.....	111	Scott.....	111	.....	513	623
46	A BILL to provide for the detection and arrest of felons.....	111	Caven	111	.....	513	623
47	A BILL to enable cities to aid in the construction of railroads	111	Caven	111	.....	513	623
48	A BILL providing for the protection of the banks of water courses, by securing the lands growing along said banks from the ravages of stock.....	111	Denbo	111	.....	513	623
49	A BILL to authorize the City of Indianapolis to occupy as parks certain lands belonging to the State of Indiana.....	111	Bellamy	111	.....	513	623
50	A BILL providing for the collection of forfeited recognizances.....	111	Caven	111	.....	513	623
51	A BILL to amend section nine, and repealing part of section sixteen of an act entitled "An act concerning partition of lands," approved March 10, 1852.....	112	Kinley	112	.....	513	623
52	A BILL creating the 22d and 23d Judicial Circuits, fixing the time for holding the courts therein, and providing for the election and appointment of Judges and Prosecuting Attorneys thereon.....	112	Denbo	112	.....	513	623
53	A BILL to authorize the formation of co-operative societies for the purchase and erection of dwellings, and other buildings.....	112	Henderson	112	.....	513	623
54	A BILL to authorize and empower cities to establish public parks, and to acquire titles to land for that purpose.....	112	Caven	112	.....	513	623
55	A BILL creating the 24th Judicial Circuit, and providing for the election and appointment of Judges and Prosecuting Attorneys thereon.....	119	Reynolds.....	119	.....	513	623
56	A BILL to amend sections 123 and 124 of an act entitled "An act providing for the jurisdiction of said Court, and providing for the transfer of acts as theretofore settled in said Court," approved March 10, 1852.....	119	Scott.....	119	.....	513	623
57	A BILL to amend an act entitled "An act to amend an act providing for the election and appointment of supervisors of highways, and prescribing certain of their duties, and those of county and township officers in relation thereto, approved March 5, 1855.....	119	Case	119	.....	513	623
58	A BILL to amend an act regulating the fees of officers, and repealing former acts in relation thereto, approved March 2, 1855.....	119	Elliott	119	.....	513	623
59	A BILL relating to the management of the lands, liabilities, and duties of officers connected with the management thereof and the heirs thereto, and certain forms to be used in such management, approved June 17, 1852.....	120	Denbo	120	.....	513	623
60	A BILL to amend an act entitled "An act to amend an act providing for the election and appointment of supervisors of highways, and prescribing certain of their duties, and those of county and township officers in relation thereto, approved March 5, 1855.....	120	Caven	120	.....	513	623
61	A BILL providing for amendments of pleadings and papers in all proceedings of the Courts of the State.....	120	Caven	120	.....	513	623
62	A BILL to amend section 6 of an act entitled "An act declaratory of the law regulating marriages, and enforcing the provisions thereof by proper penalties, approved March 5, 1852.....	120	Hadley	120	.....	513	623
63	A BILL to provide an additional remedy for the collection of delinquent taxes and for the correction of irregular assessments thereof.....	121	Case	121	.....	513	623
		121	Church	121	.....	513	623

CALENDAR OF SENATE BILLS—REGULAR SESSION, 1869.

Number.	TITLE.	Introduced.	By what Senator.	Proceedings thereon.	Passed Senate.	Returned from House.	Governor signed.
64	A BILL authorizing voluntary associations formed under an act entitled "An act concerning the organization of voluntary associations, and repealing former laws in reference thereto," passed February 12, 1855, to acquire title to lands that have heretofore been used as burial places.....	121	Wolcott	121, 183, 206, 233, 261, 362, 409, 636	637		
65	A BILL to regulate the publication of legal advertisements.....	121	Caven.....	121, 389, 381, 409			
66	A BILL to repeal an act entitled "An act to ascertain the amount of the fees and salaries of the Clerk of the Supreme, Circuit and Common Pleas Courts of this State, of the Sheriff of the Supreme Court and of the various counties of this State, County Auditors, Treasurers and Recorders, of Circuit and Prosecuting Attorneys, and to provide punishment for a violation of its provisions," approved June 3, 1861.....	121	Humphreys.....	121, 184, 199			
67	A BILL to amend section 5 of an act entitled "An act to provide for the more uniform mode of doing township business, prescribing the duties of certain officers in connection therewith, and to repeal all laws conflicting with this act," approved February 18, 1859, and declaring an emergency.....	127	Humphreys	127, 167, 206, 207, 253	231		
68	A BILL to amend section 1 of an act entitled "An act to authorize the formation of companies for the detection of horse thieves and other felons, and defining their powers," approved March 9, 1852	127	Beardsley	127, 183, 207			
69	A BILL to amend section 4.5 of an act entitled "An act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the Courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice without distinction between law and equity," approved June 18, 1852	127	Green.....	127, 185, 186, 207, 305			
70	A BILL to amend an act entitled "An act authorizing the construction of plank, macadamized and gravel roads," approved May 12, 1852	127	Robinson of Mad'n	128, 329, 317, 572			
71	A BILL establishing the rate of compensation of the Superintendent of Public Instruction, and repealing all laws in conflict therewith.....	128	Wolcott.....	138			
72	A BILL to amend section 18 of an act regulating descents and apportionment of estates, approved May 14, 1852	138	Gray	138, 185, 200, 403, 404, 631, 682.....			
73	A BILL to amend an act entitled "An act to amend section 352 of an act to revise, simplify and abridge the rules practice, pleadings and forms in civil cases in the courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity, approved June 18, 1852," approved March 9, 1861.....	138	Beardsley	138, 193, 194, 221, 230, 296.....	295		

71	A BILL to enable cities to aid in the construction of railroads and other roads running into, through or adjacent to such cities.....	138	Lasselle.....	138, 222.....	
✓ 75	A BILL to protect the citizens of Indiana from embezzlement, and elevate the standing of the medical profession.....	138	Hess.....	138, 202, 218, 515, 545.....	
76	A BILL authorizing incorporated towns and civil townships to subscribe stock, and make donations in aid of railroad companies.....	139	Hoopet.....	139, 212.....	
✓ 77	A BILL to amend the fifty-third section of an act entitled "An act for the incorporation of towns, defining their powers, providing for the election of the officers thereof, and declaring their duties," passed June 17, 1852.....	141	Bradley.....	141, 221, 298.....	299
✓ 78	A BILL to repeal section eighteen of an act entitled "An act regulating descents and the apportionments of estates," approved May 11, 1852.....	144	Lasselle.....	144, 226, 386, 387, 490, 603, 604.....	
79	A BILL declaring who shall be the heirs of Decedent Estates, defining what debts shall be paid by the widow of a deceased husband, the amount such widow shall hold as against creditors, and repealing all laws in conflict with this act.....	153	Reynolds.....	153, 194.....	
80	A BILL to amend an act entitled "An act to provide for the appraisement of the real estate, and prescribing the duties of officers in relation thereto," approved December 21, 1852.....	153	Gray.....	153, 209.....	
✓ 81	A BILL to legalize the appraisement of the real estate of the State of Indiana, made in the year 1861, and declaring an emergency.....	153	Denbo.....	153, 210, 230, 319.....	350
✓ 82	A BILL allowing an increased rate of tolls on turnpike, plank, and gravel roads in certain cases, repealing conflicting laws and declaring an emergency.....	154	Huffman.....	154, 212, 602.....	
✓ 83	A BILL to amend section two of an act entitled "An act making the register sales of Michigan Road lands, and certified copies of entries therein, evidence, and declaring the effect thereof, and making the records and patents and certificates of purchase and other evidence in writing of the sale of real estate and certified copies of such records evidence, and declaring the effect thereof," approved March 9, 1853.....	154	Church.....	154, 329, 330, 347, 378, 571.....	571
✓ 84	A BILL to repeal section thirty-one of an act entitled "An act concerning real property and the alienation thereof," approved March 6, 1852.....	151	Church.....	154, 327, 347, 372, 572.....	573
✓ 85	A BILL to amend the fifth section of an act entitled "An act to repeal all general laws now in force for the incorporation of cities, and to provide for the incorporation of cities, prescribing their powers and rights, and the manner in which they shall exercise the same, and to regulate such other matters as properly pertain thereto," approved March 4th, 1847.....	151	Gray.....	154, 223, 276, 484, 485.....	
86	A BILL for the protection of growing fruit, defining punishment, and repealing all laws in conflict therewith.....	154	Denbo.....	154, 202.....	
✓ 87	A BILL authorizing the organization of voluntary associations prescribing their powers and defining their duties, and repealing all laws on that subject.....	155	Gaven.....	155.....	
88	A BILL to amend section 319 of an act entitled "An act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform rule of pleading and practice, without distinction between law and equity," approved June 18, 1852.....	155	Wolcott.....	155, 191.....	
✓ 89	A BILL to amend an act entitled "An act to enable the owners of wet lands to drain and reclaim them, where the same cannot be done without effecting the lands of others, prescribing the powers and duties of County Boards and County Auditors in the premises, and repealing all laws inconsistent therewith," approved March 11th, 1867, by amending sections 3, 4, 5, 6, 9 and 11, and adding section 16 to provide for entering satisfaction of the liens acquired under said act.....	174	Reynolds.....	174, 421, 422, 493, 681.....	681
✓ 90	A BILL to amend the thirty-fourth sub-division of section 53 of an act entitled "An				

CALENDAR OF SENATE BILLS—REGULAR SESSION, 1863.

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Number.	TITLE.	Introduced.	By what Senator:	Proceedings thereon.	Passed Senate.	Returned from House.	Governor signed
91	act to repeal all general laws now in force for the incorporation of cities, and to provide for the incorporation of cities, and prescribing their powers and rights, in a different manner in which they shall exercise the same, and to regulate such other matters as properly pertain thereto, approved March 14th, 1857, and declaring an emergency.....	174	Bradley.....	174, 256, 292.....	292	683	
92	A BILL to amend the second section of an act to secure a just valuation and taxation of all railroad property within this State; to legalize the valuation assessment, adjustment and payment of taxes for such property made subsequent to the year 1859, approved December 18, 1855, and declaring an emergency.....	174	Huffman.....	175, 278.....			
93	A BILL to prescribe the duration of the terms of the Circuit Court in the counties of Newton and Jasper.....	175	Wolcott.....	175, 235, 240, 241, 275, 461.....			
94	A BILL to regulate the practice as to making, reading, and signing the record entries in the Circuit Courts and Courts of Common Pleas, and to repeal all acts in conflict therewith.....	175	Hawk.....	175, 242, 275, 354, [372, 510, 535, 536, 650, 651]			
95	A BILL, touching the consolidation of railroads, and declaring the effect of such consolidation.....	189	Cravens.....	189, 276, 283, 311, 315, 370, 371,	315	510	
96	A BILL to amend section 403 of an act to revise, simplify and abridge the rules, practice, pleadings and forms in the Courts of this State; to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity.....	189	Bradley.....	189, 254, 276, 566.....	566		
97	A BILL prohibiting Supreme, Circuit or Common Pleas Judges, Clerks of the Circuit Court, Clerks of the Common Pleas, Auditors, Treasurers, Sheriffs, and their Deputies, from practicing law in any of the Courts of this State, except as in this act permitted, and prescribing punishment for the violation thereof.....	189	Wood.....	189, 237, 353, 536, 609, 623, [624, 625, 637]	353	536	633
98	A BILL making an appropriation of four hundred and thirteen thousand, and five hundred and ninety-nine dollars and forty-eight cents, to pay the claims of sufferers by the Morgan Raid.....	190	Bellamy.....	190, 567, 568, 569, 523, 603, 608, [624, 625, 637]			
99	A BILL to provide for the assessment and collecting of taxes for municipal purposes, on the shares of bank stock owned in banks or banking associations doing business in this State.....	190	Green.....	190, 222, 277, 372, 388.....			
100	A BILL to establish an Agricultural College in connection with the State University, and to amend the 6th section of an act for the relief of the Indiana University, and to increase and extend its benefits, by providing for the sale of the lands,	190	Hughes.....	190, 249, 250.....			

101	granted by the United States for the use of the said University, regulating the application of the proceeds of the said school, and prescribing the duties of the officers therein mentioned, in relation thereto; approved March 2, 1852.	130	Hughes.	193, 430, 431, 438	
✓ 102	A BILL authorizing the Trustees of Indiana State University to establish a Medical College.	140	Hughes.	190, 432, 516	
103	A BILL to amend the fifth division of section 324 of the second volume of the Revised Statutes of 1852, chapter 1, of an act to revise, simplify and abridge the rules, practice, pleadings, and forms in civil cases in the courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity.	193	Green.	191, 313, 487	
104	A BILL to amend section 7 of an act entitled "An act regulating the granting of divorces, nullification of marriages, and decrees and orders of Court incident thereto."	194	Case.	191, 314	
✓ 105	A BILL for the appointment of official Reporters for the Courts in this State.	194	Steff.	191	
106	A BILL to amend section 124 of an act entitled an act in relation to the County Treasurers, approved March 5, 1852, and declaring an emergency; approved March 5, 1852.	194	Case.	191, 209, 230, 565	565
✓ 107	A BILL to amend section 124 of an act entitled an act regulating descents and the appointment of estates; approved May 11, 1852.	194	Lasselle.	191, 23, 391	
✓ 108	A BILL to amend sections 2 and 3 of an act in relation to the incorporation of County Libraries; approved June 18, 1852.	192	Caven.	192, 210, 300, 431, 498	
✓ 109	A BILL to amend section 2 of an act entitled "An act to provide for the registry of voters, and to declare their residence, and to punish fraudulent practices touching elections, and defining the duties of certain officers therein named, and the forms of the ballots, and providing compensation for the services of such officers; approved March 11, 1857."	192	B-Hamby.	192, 462, 499	
✓ 110	A BILL to amend section 7 of an act to provide compensation to the owners of animals killed or injured by the cars, locomotives, or other carriages of any Railroad Company in this State, and to enforce the collection of judgments rendered on the account of the same, and to repeal all laws inconsistent therewith; approved March 1, 1853.	196	Gray.	195, 278	
✓ 111	A BILL to create the Twenty-fourth Judicial Circuit, providing for the appointment and election of a Judge and Prosecuting Attorney therein, and for their compensation; declaring the jurisdiction of the courts in said circuit, and providing for a transfer of actions thereto.	195	Howk.	193, 241, 277, 537	537
✓ 112	A BILL to amend section 16 of an act entitled "An act providing for the election of appointment of Supervisors of Highways, and prescribing certain of their duties, and those of county and township officers in relation thereto," approved March 5, 1859.	196	Hadley.	196, 200, 312, 336, 337, 570	
113	A BILL to revise and amend sec. 1 of an act entitled "An act to exempt property from sale in certain cases," approved February 17, 1852.	197	Lasselle.	197, 614	
114	A BILL providing for the registration of the practicing physicians of this State.	197	Kinley.	197, 438	
✓ 115	A BILL to amend sec. 19 of an act entitled "An act regulating the fees of officers, and repealing former acts in relation thereto," approved March 2, 1855.	197	Caven.	197, 331, 337, 355	
✓ 116	A BILL to amend the 49th section of an act entitled "An act to provide for the opening, vacating, and change of highways," approved June 17, 1852, as amended by act approved March 9, 1854.	197	Howk.	197, 210, 250, 550	550
	A BILL to prohibit any member of the Board of County Commissioners from acting in any other capacity, under and by virtue of any appointment from such Board.				

CALENDAR OF SENATE BILLS—REGULAR SESSION, 1869.

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Number.	TITLE.	Introduced.	By what Senator.	Proceedings thereon.	Passed Senate	Returned from House.	Governor signed.
117	than as one of such Commissioners, and repealing so much of all laws and parts of laws, as conflict with any of the provisions of this act, and declaring an emergency A BILL to amend the 5th section of an act entitled "An act approved March 6, 1855, entitled An act to provide for a general system of common schools, the officers thereof, and their respective powers and duties, and matters properly connected therewith; and prescribing the fees for certain officers therein named; and for the establishment and regulation of township libraries"; and to repeal all laws inconsistent therewith, providing penalties therein prescribed A BILL to amend the 16th section of an act entitled "An act to provide for contesting the election to any State, district, circuit, county, or township office," approved May 4, 1852, to provide relief in cases of contests erroneously commenced by reason of the misprint of the said 16th section, and to provide for taking depositions in all contests for circuit and district offices	202	Carson	202, 211, 230, 350	351		
118	..... A BILL to fix the times of holding the Courts of Common Pleas in the various counties composing the Fourth Common Pleas Judicial District, providing for the return of process, recalling all acts in conflict with the provisions of this act, and declaring an emergency	203	Jacquess	203, 420			
119	A BILL to provide for the government and discipline of the State Prisons, for the oversight of County Jails, and to repeal all other laws or parts of laws inconsistent herewith	203	Howk	203, 229, 277, 351, 543	351	470	589
120	A BILL to amend section 172 of an act entitled "An act to provide for the valuation and assessment of real and personal property, and the collection of taxes in the State of Indiana; for the election of Township Assessors, and prescribing the duties of Assessors, Appraisers of real property, County Treasurers and Auditors, and of the Treasurer and Auditor of State," approved June 21, 1852	203	Kinley	203, 273, 618, 649			
121	A BILL to amend section 172 of an act entitled "An act to provide for the valuation and assessment of real and personal property, and the collection of taxes in the State of Indiana; for the election of Township Assessors, and prescribing the duties of Assessors, Appraisers of real property, County Treasurers and Auditors, and of the Treasurer and Auditor of State," approved June 21, 1852	211	Denbo	214, 303, 304			
122	A BILL to amend section 172 of an act entitled "An act to provide for the valuation and assessment of real and personal property, and the collection of taxes in the State of Indiana; for the election of Township Assessors, and prescribing the duties of Assessors, Appraisers of real property, County Treasurers and Auditors, and of the Treasurer and Auditor of State," approved June 21, 1852	214	Fosdick	214, 359, 483			
123	A BILL to amend the 17th section of an act entitled "An act providing for the Organization of County Boards, etc.," approved June 17, 1852	215	Bardsley	215, 223, 279, 349, 679, 683	319	674	(89)
124	A BILL to amend section one of an act entitled "An act to repeal all general laws now in force for the Incorporation of Cities, and to provide for the incorporation						

✓ 125	of cities, prescribing their powers and rights, and the manner in which they shall exercise the same, and to regulate such other matters as properly pertain thereto, approved March 14, 1871.....	215	Elliott.....	215, 364.....	.....	.....
126	A BILL to amend the first section of an act entitled "An act authorizing the assessment of all lands within one and one-half miles on either side, or within one and one-half miles of any plank, macadamized, or graveled roads, organized under and pursuant to an act of the General Assembly of the State of Indiana, entitled an act authorizing the construction of plank, macadamized and graveled roads," approved May 12, 1852, when the subscription to such road amounts at least to eight hundred dollars per mile, and is not sufficient for the construction of the same and the collection of said assessments: <i>Provided</i> , the lands are situated in the county in which said road is located, approved March 11, 1857.....	215	Andrews.....	215.....	.....	.....
127	A BILL to repeal an act to amend section 35 of an act to provide for a general system of Common Schools, the office is thereof and their respective duties and powers, and matters properly connected therewith, and prescribing the fees for certain officers therein named, and for the establishment and regulation of town-ship libraries, and to repeal all laws inconsistent therewith, providing penalties therein prescribed, approved March 6, 1855, approved December 20, 1855.....	215	Fordick.....	216, 496.....	.....	.....
128	A BILL to provide for the release of levies upon personal property taken upon execution.....	216	Stein.....	216.....	.....	.....
129	A BILL to exempt certain persons therein named from performing labor on the public highways.....	216	Gray.....	216, 261.....	.....	.....
✓ 130	A BILL to repeal all general laws now in force for the incorporation of cities, and to provide for the incorporation of cities, prescribe their powers and rights, and the manner in which they shall exercise the same, and to regulate such other matters as properly pertain thereto, approved March 9, 1857.....	216	Henderson.....	216, 481.....	.....	.....
✓ 131	A BILL to revise and amend section six, of the Plank, Macadamized and Gravel Road Law, of 1852.....	216	Lasselle.....	216, 469, 639.....	.....	.....
132	A BILL to legalize and declare valid and effectual, all the orders, judgments and proceedings made, rendered and had by and before the Court of Common Pleas of White County in this State, beginning and held at the Court House, in the town of Monticello, in said county, on the 23d day of March, 1858, and continuing, from day to day, for two weeks thereafter, and declaring an emergency.....	216	Wolcott.....	217, 330, 348, 572, 573.....	573	.....
✓ 133	A BILL to protect and elevate the medical profession, to promote the improvement of medical science and practice, and to protect the health and lives of the people of Indiana.....	217	Wolcott.....	217, 546.....	.....	.....
✓ 134	A BILL amendatory of the acts touching the removal and re-location of county seats. A BILL to authorize and encourage the construction of levees, dikes and drains, and the reclamation of wet and overflowed lands by incorporated associations, and to repeal all former acts relating to the same subject.....	221	Hanna.....	221, 304, 346, 441, 442, 497.....	442 470	544
135	A BILL to amend the section of an act entitled "An act providing for the redemption of real property, or any interest therein, sold on execution or order of sale, and providing for the issuing of certificates of purchase in such cases, and for the execution of conveyances, and repealing all laws in conflict therewith," approved June 4, 1861, and providing a speedy remedy for the recovery of such property in case of its non-redemption.....	226	Bradley.....	226, 421, 493, 494, 640, 641.....	.....	.....
136	A BILL to authorize the reference of trials to Master Commissioners, and defining their duties relating thereto, and the power of Courts referring the same.....	226	Hawk.....	226, 301, 302, 337, 407, 548, 549.....	.....	.....
✓ 137	A BILL requiring plank, macadamized or gravel road companies to secure three-fifths of the stock necessary to construct the same before making assessments	226	Denbo.....	227, 333, 354.....

CALENDAR OF SENATE BILLS—REGULAR SESSION, 1869.

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Number.	TITLE.	Introduced.	By what Senator	Proceedings thereon.	Passed Senate	Returned House	Governor signed.
128	therefor, and providing how assessments shall be made, regulating tolls thereon, and declaring an emergency.	227	Robinson or De- turf.....	227, 650.....	.....	.....	.....
129	A B. L. to amend the second section of an act entitled "An act to amend the four- teenth and eighteenth sections of an act entitled "An act to fix the times of hold- ing the Common Pleas Courts in the several counties of this State, the duration of the terms thereof, and making all process from the present Common Pleas Courts returnable to such terms, and declaring when this act shall take effect, and repealing all laws inconsistent therewith," approved March 5, 1859, approved May 11, 1861.	227	Hacy.....	227, 228, 517, 542.....	28	470	538
140	A BILL to repeal an act entitled "An act to provide for the registry of voters, and to declare their residence, and to punish fraudulent practices touching elections, and defining the duties of certain officers therein named, and the form of the ballots, providing compensation for the services of such officers," approved March 11, 1857.	228	Kinley.....	228.....	.....	.....	.....
141	A BILL to amend section 15 of an act entitled "An act to amend section 15 of an act approved March 9, 1857.	228	Hadley.....	228, 240.....	.....	.....	.....
142	A BILL to repeal an act entitled "An act to allow County Commissioners to organize turnpike companies where three-fifths of the persons representing the real estate within prescribed limits petition for the same, and to levy a tax for its construc- tion, and provide for the same to be free," approved March 6, 1862.	228 229	Gray Lassell.....	229, 340, 341..... 229, 307, 338, 353.....	359	.....	.....
143	A B. L. to revise and amend section 5 of the County Surveyor. Ct.	229	Bradley.....	229, 253, 342.....	.....	.....	.....
144	A BILL to provide for the continuance of actions pending in the courts of this State in certain cases.	229	Wolcott.....	243, 293, 339, 351.....	293	314	374
145	A BILL to prevent the introduction and spread in this State of the Texas or Spanish cattle fever, and declaring the bringing of Texas or Cherokee cattle into this State, or the purchasing of the same at certain seasons of the year, a misdemeanor, and prescribing the penalty therefor.	242	Wolcott.....	243, 293, 339, 351.....	293	314	374
146	A BILL to prevent the introduction and spread of a cattle disease commonly known as "Texas or Spanish Fever," by the importation and introduction of cattle into the State of Indiana infected with or liable to impart to other cattle said disease, and providing for the recovery of damages caused by the introduction of such diseased cattle, from the owners of such cattle.	243	Wood Elliott.....	243, 293, 340, 351, 359..... 246, 285, 312, 569, 570.....	29	314	374
	A BILL to authorize turnpike companies to construct branch roads.	243	.....	.....	570	.....	.....

✓ 147	A BILL creating the Ninth and Twelfth Judicial Circuits, and providing for the times of holding courts therein.....	246	Bradley.....	246, 362, 485.....	
✓ 148	A BILL to legalize the acknowledgments of all deeds, mortgages, and other instruments required to be recorded, taken, and certified by notaries public, who took and certified such acknowledgments after the expiration of their commissions.....	247	Bellamy.....	247, 362, 363, 485.....	
✓ 149	A BILL to amend the 17th section of an act regulating the fees of officers, and repealing all former acts in relation thereto, approved March 2, 1866.....	247	Johnston.....	247, 367, 388, 390, 485.....	
✓ 150	A BILL defining the common school system of this State.....	247	Kinley.....	246, 690.....	
✓ 151	A BILL to amend the 2d section of an act to provide for the protection of wild game, and deferring the time in which the same may be taken or killed, and declaring the penalty for the violation of this act, and repealing all laws inconsistent here with, approved March 11, 1871.....	247	Robinson of Madison.....	247, 364, 365, 485.....	
✓ 152	A BILL to amend an act entitled "An act providing for the election or appointment of supervisors of highways, and prescribing certain of their duties, and those of county and township officers in relation thereto, approved March 5, 1859....."	247	Johnston.....	247, 392, 393, 394, 395, 422, 639, 640.....	
✓ 153	A BILL to amend section 6 of an act entitled "An act providing for the election or appointment of supervisors of highways, and prescribing certain of their duties, and those of county and township officers in relation thereto, approved March 5, 1859....."	248	Gray.....	248, 304.....	
✓ 154	A BILL providing for the election or appointment of supervisors of highways, and prescribing certain of their duties and those of county and township officers in relation thereto, approved June 20, 1873.....	248	Humphreys.....	248, 392.....	
✓ 155	A BILL fixing the time when personal estate shall be listed, and defining the duties of Assessors, Boards of County Commissioners, and Boards of Equalization, in relation thereto.....	262	Johnston.....	262, 366.....	
✓ 156	A BILL accepting certain donations from Tipton county, and others, and locating the Agricultural College contemplated by the act of Congress, approved July 2, 1862, and providing for the organization and management thereof.....	262	Stein.....	262.....	
✓ 157	A BILL to provide free transportation for members of the Legislature in going to and from the Capitol, and to prohibit their acceptance or use of free tickets for transportation, from the railroad companies.....	262	Hughes.....	262.....	
✓ 158	A BILL to provide for the public printing, regulating the prices to be paid therefor, fixing the time and mode of electing a State Printer, defining his duties, fixing compensation, and repealing all laws in conflict with this act.....	262	Hooper.....	263, 363, 372, 376, 377.....	
✓ 159	A BILL to revise and codify the laws of the State.....	263	Lasselle.....	263, 361, 485, 486, 641.....	
✓ 160	A BILL fixing the salaries of certain county officers therein mentioned, and prescribing their duties in certain cases, and fixing the pay of clerks or deputies employed therein.....	263	Hulston.....	263, 529.....	
✓ 161	A BILL to provide for the organization of Savings Banks, and the safe and proper management of their affairs.....	663	Stein.....	263, 418, 493, 642, 643.....	643
✓ 162	A BILL to provide for the service of process upon railroad companies.....	263	Lasselle.....	263, 342, 497.....	
✓ 163	A BILL to amend sections 13, 138 and 140, of an act to provide for a general system of common schools, etc.....	264	Johnson.....	264, 404, 553, 554.....	
✓ 164	A BILL to authorize the amendment to bills of exceptions in certain cases therein mentioned.....	270	Bradley.....	271, 363, 486.....	
✓ 165	A BILL to authorize the Board of Commissioners to relieve sureties on official bonds of county officers on a petition of a majority of the voters.....	271	Denbo.....	271, 365, 368.....	
✓ 166	A BILL providing for the establishment of election precincts and prescribing the duties of Boards of County Commissioners in relation thereto.....	271	Cravenna.....	271, 386, 490.....	
✓ 167	A BILL to amend section 4 of an act incorporating manufacturing companies, &c.....	271	Jacquess.....	271, 340, 487.....	
✓ 168	A BILL to authorize turnpike and graded road companies heretofore or hereafter organized in this State under the laws thereof, to increase the capital stock of				

CALENDAR OF SENATE BILLS—REGULAR SESSION, 1869.

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Number.	TITLE.	Introduced.	By what Senator.	Proceedings thereon.	Passed Senate.	Returned from House.	Governor signed
169	their companies when, in any case, the capital stock in the original articles of association shall be insufficient to construct and equip the road.....	271	Robinson of Madison.....	271, 358, 482, 500.....			
✓ 170	A BILL to authorize the Common Councils of incorporated cities to act as School Trustees, defining their powers and duties; prescribing the manner of assessing and collecting the school taxes of such cities; prescribing certain duties of City Clerks and Treasurers; and County Auditors and Treasurers in relation to school matters; repealing conflicting laws, and declaring an emergency.....	271	Robinson of Madison.....	272, 360.....			
✓ 171	A BILL to amend section 13 of an act entitled "An act providing for a reorganization of Circuit Courts, the election of Judges thereof, and defining their powers and duties," approved June 1, 1852.....	272	Lasselle.....	272, 343, 344.....			
✓ 172	A BILL to amend an act entitled "An act authorizing the construction of plank, macadamized and gravel roads," approved May 12, 1862, and the act passed amendatory thereto.....	272	Scott.....	272, 365.....			
✓ 173	A BILL to exempt burial grounds from lien or sale on execution or other process.....	272	Caven.....	271, 375, 404, 489.....			
✓ 174	A BILL to change the corporate name of the Widows and Orphans' Asylum of Indianapolis.....	272	Caven.....	272, 341.....			
✓ 175	A BILL to provide for the measurement of ear corn and hay in bulk.....	272	Wolcott.....	272, 437, 499.....			
✓ 176	A BILL defining who shall be competent witnesses in any court of judicial proceeding in this State, and to repeal all laws in conflict with the provisions of this act.....	288	Hooper.....	288, 393, 489.....			
✓ 177	A BILL to amend section 10 of an act entitled "An act regulating fees of officers, and repealing former acts in relation thereto," approved March 2, 1853.....	289	Humphrey.....	289, 547.....			
✓ 178	A BILL to prohibit the clerk of the Circuit and other courts from taking and certifying the declaration of intention of any alien to become a citizen of the United States, except as therein prescribed.....	289	Reynolds.....	289, 389, 490.....			
✓ 179	A BILL to amend section 1 of an act fixing the time of holding Circuit Courts in the several counties of this State," approved June 18, 1852.....	289	Lee.....	289, 290, 313, 314, 414, 480, 441.....	290 441	313	385
✓ 180	A BILL to declare what counties shall constitute the First Judicial Circuit, creating the — and — Judicial Circuits, providing for return of process, &c., thereof, for the appointment and election of Judges and Prosecuting Attorneys thereof, repealing certain laws and declaring an emergency.....	289	Robinson of Madison.....	289, 332, 440, 441, 513.....	290	457	593
✓ 181	A BILL to authorize Judges of Courts of Common Pleas to appoint Judges to hold adjourned terms, and providing for compensation for the same.....	291	Carson.....	291, 292, 400.....			
	A BILL to amend section 313 of an act entitled an act to revise, simplify and abridge the rules, practice, pleadings and forms in the civil cases in the courts of this						

✓ 182	States, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity, and to declare an emergency.....	292	Robinson of Madison	292, 393, 490, 491
✓ 183	A BILL to provide for a Reformatory Institution for girls and women.....	299	Lyonsville	299, 394, 496, 497
✓ 184	A BILL to prohibit, and punish associations not authorized by law.....	299	Lasselle	299, 343
✓ 185	A BILL to amend the 19th section of an act approved June 10, 1852, entitled "An act defining felonies and prescribing punishment therefor".....	308	Craveus	308, 343, 488
✓ 186	A BILL to amend section 49 of an act entitled "An act regulating general elections, and prescribing the duties of officers in relation thereto".....	308	Dumbo	309, 495
✓ 187	A BILL to establish a Court of Common Pleas in each county in the State, defining the jurisdiction thereof, and the duties, and providing for the compensation of the judges thereof.....	309	Sherrod	309, 515
✓ 188	A BILL to revise and amend an act entitled "An act in relation to the taxation of lands in towns and cities," approved June 18, 1852.....	309	Craveus	309, 393, 491
✓ 189	A BILL to provide for the sale of certain lands belonging to the State of Indiana, in the County of Clay.....	309	Scott	309, 545
✓ 190	A BILL to amend section 18 of an act entitled "An act to provide for the registry of voters, and to declare their residence, and to punish fraudulent practices touching elections, and defining the duties of certain officers therein".....	309	Wood	309, 462, 499
✓ 191	A BILL to authorize the people of the several townships of the several counties, to prohibit the retailing of spirituous liquors.....	309	Elliott	310
✓ 192	A BILL enabling cities or towns to build, improve and keep in repair, roads leading to cemeteries, owned or used by inhabitants of cities or towns, owned by city or town, and to annex such road to such city or town, and defining the duties of certain officers.....	310	Hadley	310, 311, 486, 487
✓ 193	A BILL to amend section 15 of an act entitled "An act regulating general elections, and prescribing duties of officers in relation thereto," approved March 11, 1857.....	310	Gray	310
✓ 194	A BILL to amend section 1 and section 19 of an act entitled "An act to provide for the registry of voters, and to declare their residence, and to punish fraudulent practices touching elections, and defining the duties of certain officers therein named, and the form of the ballots, and providing the compensation for the services of such officers," approved March 17, 1857.....	311	Elliott	311, 463, 487
✓ 195	A BILL to make an appropriation for the payment to the Sinking Fund of money advanced to pay the expense of the erection of the building for the use of the Supreme Court and officers of State.....	311	Stein	311, 391, 491
✓ 196	A BILL to amend the 17th section of an act for paid all general laws now in force, for the incorporation of cities, prescribing their powers and rights, and the manner in which they shall exercise the same, and to regulate such other matters as properly pertain thereto, approved March 11, 1857.....	311	Henderson	311
✓ 197	A BILL defining the crimes of grand and petit larceny, and prescribing punishment therefor, and repealing sections 19 and 20 of an act defining felonies, and prescribing punishment therefor, approved June 10, 1852.....	311	Caven	311, 341
✓ 198	A BILL to provide for the extended and improved system of education in the State of Indiana, by increasing and securing the endowment of the State University at Bloomington, endowing a law school and law library therein, by appropriating thereto any net revenue that may arise from the State Prisons, or either of them, providing free tuition in said University; establishing and endowing at Indianapolis a medical department of said University; providing for contingent expenses connected therewith, and for the said or lease of square No. 25 in Indian-			

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Number.	TITLE.	Introduced.	By what Senator.	Proceedings thereon.	Passed Senate.	Returned from House.	Governor signed.
198	anolls; empowering the City of Indianapolis to purchase said square; for the investment and management of the proceeds thereof; and the government of said department; declaring the State Normal School at Terre Haute a branch of said State University; and appropriating \$5,000 for the benefit thereof, and adding a Trustee; accepting certain donations from the Commissioners of Tippecanoe County and others; establishing an Agricultural College in connection with said State University; and fixing and pledging its location; and providing for its organization and government, and adding a Trustee; providing for matters pertaining to said subject, and declaring an emergency.	332	Hughes	583, 584, 585, 586, 587, 588, 589, 591, 593, 596, 597, 598, 599, 580, 1142, 452, 524, 555, 556, 557, 222, 381, 382, 411, 412, 427, 428,			
199	A BILL authorizing the assessment of Lands for Plank, Macadamized and Gravel Road Purposes; prescribing the manner of assessing and collecting the same, and repealing the law on that subject, approved March 11, 1857.	332	Green	332, 593.			
200	A BILL to amend section one and three of an act entitled "An act to repeal all general laws now in force for the incorporation of Cities, and to provide for the incorporation of Cities, prescribing their powers and rights, and the manner in which they shall exercise the same, and to regulate such other matters as properly pertain thereto," approved March 14, 1867.	333	Wood	333, 365, 483.			
201	A BILL to legalize the Tax Assessment for the year 1868, in certain incorporated cities.	333	Robinson of Mad'n	333, 393.			
202	A BILL to revise and amend section five of an act entitled "An act providing for an organization of Circuit Courts, the election of Judges thereof, and defining their powers and duties," approved December 20, 1855, approved March 8, 1867.	333	Howe	333, 458, 489.			
203	A BILL to authorize Railroad Companies to sell, lease, or otherwise dispose of, and to contract for the use of their roads, franchises and property, or any part thereof, and authorizing Railroad Companies to aid other Railroad Companies in the construction and equipment of their roads.	333	Robinson of Mad'n	333, 480, 500.			
204	A BILL to amend an act to authorize, regulate, and confirm the sale of Railroads, to enable purchasers of the same to form Corporations and exercise corporate powers, and to define their rights, powers and privileges, to enable such Corporation to purchase and construct connecting branch roads, and to operate and maintain the same, approved March 3, 1855, and extending the provisions of said act to all other Railroad Companies.	333	Robinson of Mad'n	334, 481, 501.			

205	ballots, and providing compensation for the services of such officers," approved March 11, 1867.....	334	Bird.....	334.....
	A BILL to revise and amend the seventy-ninth section of an act entitled "an act to repeal all laws now in force for the Incorporation of Cities, prescribing their powers and rights, and the manner in which they shall exercise the same, and to regulate such other matters as properly pertain thereto," approved March 14, 1867.....	334	Howe.....	334, 365, 386, 489.....
206	A BILL to fix the time of holding the Circuit Courts in the several counties comprising the Sixth Judicial Circuit, repealing all laws in conflict therewith, making all process returnable to the times fixed by this act, and regulating the transaction of business therein.....	334	Denbo.....	334, 511.....
207	A BILL to amend section 37 of an act entitled "an act to provide for a general system of Common Schools, the officers thereof and their respective powers and duties, and matters properly connected therewith, and prescribing the fees for certain officers therein named, and for the establishment and regulation of Township Libraries, and to repeal all laws inconsistent therewith, providing penalties therein prescribed," approved March 6, 1865.....	334	Scott.....	335, 359.....
208	A BILL to authorize Boards of County Commissioners to make allowances in certain cases.....	335	Caven.....	335, 392, 554.....
209	A BILL providing for the forfeiture of estates for life, where the owners thereof fail to pay the taxes assessed against the same.....	335	Caven.....	335, 375.....
210	A BILL to define certain offences therein mentioned, and to prescribe the punishment thereof, and to suppress the usurpation of the functions of the Judiciary, in the punishment of real or pretended offences.....	335	Wolcott.....	335, 417, 491, 493.....
211	A BILL defining what counties shall constitute the Eighth Judicial Circuit, and fixing the terms of holding the Courts therein.....	336	Rice.....	336, 511, 605, 641.....
212	A BILL to repeal section 3 of an act entitled "An act authorizing the construction of Plank, Macadamized and Gravel Roads, and to empower the same to make sale of a portion of their roads, and also to repeal an act amendatory thereof, approved March 11, 1867.....	346	Robinson of Mad.....	346.....
213	A BILL to encourage the re-publication of Blackford's Reports, and appropriating money to pay for the same.....	346	Rice.....	346, 394.....
214	A BILL to amend sections 1, 2, 3, 4, 5, 6 and 7, of the act approved March 11, 1867, authorizing the construction of Plank, Gravel and Macadamized Roads, adding an additional section limiting lands assessed to the construction of one road.....	346	Cravens.....	346, 402, 593, 594, 595.....
215	A BILL to authorize counties to aid in the construction of Railroads, by taking stock in, and making donations to, Railroad Companies.....	346	Stein.....	346, 347, 497, 515, 606, 606.....
216	A BILL making appropriations for publishing the reports of the State Board of Agriculture.....	366	Fisher.....	366, 489.....
	A BILL regulating the fees of County Officers, and declaring an emergency.....	367	Kinley.....	367, 529, 530, 531, 602, 627, 628, [629, 632, 635, 636]
217	A BILL for the better regulation of Traffic on Railroads, and to facilitate trade and intercourse thereon.....	367	Green.....	367, 401, 421, 493.....
218	A BILL to amend section first of an act to amend section third of an act for the regulation of weights and measures, approved June 9, 1852, and declaring an emergency.....	367	Reynolds.....	367, 390, 391, 491.....
219	A BILL authorizing parties losing money or valuable property on gaming or betting, to sue and recover the same of parties winning such money or valuable property.....	367	Kinley.....	367, 374, 490.....

CALENDAR OF SENATE BILLS—REGULAR SESSION, 1869.

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Number.	TITLE.	Introduced.	By what Senator.	Proceedings thereon.	Passed Senate.	Returned from House.	Governor signed.
221	A BILL to revise and amend sections 6, 15 and 23, and to repeal sections 3 of the General Election Law of 1852, and to repeal the Registry Law of 1857....	378	Lasselle.....	308, 461.....			
222	A BILL to legalize certain defective and irregular tax assessments for the year 1858, in incorporated cities, and declaring an emergency.....	368	Lee.....	348, 369, 517, 542.....	369	468	558
223	A BILL appropriating the sum of fifteen thousand dollars for the completion of the building now occupied by the officers of State and Supreme Court, and for paving the sidewalks fronting and around the same.....	369	Houghton.....	369, 489, 642.....	642		
224	A BILL legalizing the use of a seal, purporting to be the seal of the Adjutant General's office, and providing for an official seal for said office.....	369	Hadley.....	369, 894, 491.....			
225	A BILL changing the name of the Indiana State Board of Agriculture.....	369	Kinley.....	369, 373, 490.....			
226	A BILL to amend an act entitled an act to provide for the protection of fish, defining the time in which they may be netted, trapped or seined, affixing a penalty for the violation of this act, and declaring an emergency, approved March 9, 1867.....	369	Kinley.....	369, 488.....			
227	A BILL to fix the time of holding Courts of Common Pleas in the counties of Lawrence, Jackson, Jennings and Bartholomew, repealing inconsistent laws and declaring an emergency.....	378	Lee.....	378, 379, 480, 501.....	379	387	525
228	A BILL to create a Department of Insurance, to provide suitable regulations therefor, transfer the business of insurance from the office of Auditor of State to the Department of Insurance, and to define the duties of Insurance Companies in connection therewith.....	381	Jaquess.....	381, 600.....			
229	A BILL regulating the fees of County Clerks, County Treasurers, and County Auditors, and repealing all former acts in relation thereto, and declaring an emergency.....	381	Hamilton.....	381, 545, 547.....			
230	A BILL to amend section 4 of an act approved February —, 1865, entitled "An act appointing commissioners to sell certain real estate therein named to provide a residence for the Governor of the State, and to make him an allowance in lieu thereof until the same is provided, and matters properly connected therewith....."	381	Church.....	381, 463, 464, 483, 484, 499, 500.....			
231	A BILL to amend section two of an act to provide for a State Debt Sinking Fund, approved December 21, 1865, making the Governor a member of the Board of State Debt Sinking Fund.....	397	Cravens.....	397, 399.....	398		
232	A BILL to repeal the 9th section of an act entitled An act to provide for the assessment and collection of taxes on the shares of stock owned in banks and banking associations doing business in this State, approved March 15, 1867.....	398	Green.....	398, 420.....			
233	A BILL to repeal an act entitled An act to authorize the formation of companies for						

234	the detection and apprehension of horse thieves and other felons, and defining their powers, approved March 9, 1852.....	398	Kinley.....	398, 419, 420.....	
	A BILL to legalize and declare valid acknowledgments of certain deeds of conveyance and other instruments in writings, which have been recorded in any of the recorder's offices in the several counties in this State, and which, by reason of certain informalities in the certificates of acknowledgment or the authentication thereof, were not entitled to record.....	399	Case.....	399, 119, 402, 653.....	657
235	A BILL to render taxation for common school purposes uniform, regardless of the race or color of the persons to be taxed, and to extend the benefits of the common school system to colored children.....	399	Hooper.....	399, 555, 561, 562, 563.....	
236	A BILL to amend section 31 of an act entitled "An act for the incorporation of towns, defining their powers, providing for the election of the officers thereof, and declaring their duties, approved June 11, 1852; amended by an act approved March 6, 1857, and declaring an emergency....."	399	Podick.....	399.....	
237	A BILL to repeal section 119 of an act entitled "An act to provide for the valuation and assessment of the real and personal property and the collection of taxes in the State of Indiana; for the election of township assessors, and prescribing the duties of assessors, appraisers of real property, county treasurers and auditors, and of the Treasurer and Auditor of State," approved June 12, 1852.....	399	Caso.....	399, 667.....	
238	A BILL to amend section 200 of chapter one of an act entitled "An act to revise, simplify, and abridge the rules, practice, pleadings, and forms in civil cases in the Courts in this State; to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform code of pleading and practice, without distinction between law and equity," approved June 18, 1852, and declaring an emergency.....	400	Stein.....	400, 419, 186, 643, 644.....	644
239	A BILL authorizing the classification of the Board of Directors of Railroad Companies.....	400	Birl.....	400, 421, 493, 640.....	640
240	A BILL to authorize the incorporation of societies for the study and practice of dentistry, defining their powers and declaring an emergency.....	400	Caven.....	400, 551.....	
241	A BILL entitled an act to amend "An act to incorporate the University of Notre Dame Du Lac, at South Bend, St. Joseph County, Indiana," approved January 15, 1844.....	404	Reynolds.....	404, 569, 606.....	
242	A BILL creating the Twenty-Fifth Common Pleas District, and making provisions therefor, and repealing all laws in conflict therewith.....	404	Sherrod.....	405.....	
243	A BILL supplementary to section 48, of the act for the incorporation of cities.....	405	Lasselle.....	405.....	
244	A BILL to amend an act entitled "An act to provide for a general system of common schools, the officers thereof and their respective powers and duties and matters properly connected therewith, and prescribing the fees for certain officers therein named, and for the establishment and regulation of township libraries, and to repeal all laws inconsistent therewith, providing penalties therein prescribed," approved March 6, 1859, and adding supplemental sections thereto.....	405	Bellamy.....	405, 481, 537, 558, 539, 540, 541, [676, 677, 678, 679, 680]	
245	A BILL to amend an act entitled "An act to extend the time for the corporation of railroads, in all cases in which ten thousand dollars per mile has been expended in their construction, and declaring at what time the act shall take effect and be in force," approved February 18, 1863.....	405	Johnston.....	405, 665, 669.....	
246	A BILL to amend sections 4, 13 and 15 of an act entitled "An act to establish a home for the maintenance of sick and disabled Indiana soldiers and seamen, and their orphans and widows," approved March 11, 1857, and supplementary to said act.....	405	Hess.....	405, 406, 531, 606, 607.....	
247	A BILL fixing the times of holding Circuit Courts in the Fifth Judicial Circuit,				

CALENDAR OF SENATE BILLS—REGULAR SESSION, 1869.

Number.	TITLE.	Introduced.	By what Senator.	Proceedings thereon.	Passed Senate.	Returned from House.	Governor signed.
✓ 248	prescribing the length of terms thereof, and repealing all laws in conflict herewith	406	Hadley.....	406.....	406		
✓ 249	A BILL to amend section 3 of an act in relation to witnesses, approved December 21, 1865.....	407	Cravens.....	407, 438.....			
✓ 250	A BILL to provide for the construction and maintenance of fish-hatcheries.....	407	Wolcott.....	407, 438, 499, 555.....			
✓ 251	A BILL to amend an act entitled, 'An act concerning the organization of voluntary associations,' and repealing former laws in reference thereto," approved February 12, 1865, by adding thereto four sections.....	407	Caven.....	407, 483.....			
	A BILL to amend section 1 of an act entitled "An act to authorize Township Trustees of incorporated towns, and the Common Councils of cities, to levy a tax for school purposes," approved March 9, 1867, adding a section and declaring an emergency.....	407	Kinley.....	407, 420, 492.....			
✓ 252	A BILL creating the office of Railroad Policeman, defining his duties, and fixing his fees.....	407	Caven.....	407.....			
✓ 253	A BILL to enable the several Criminal Courts of this State to try and determine suits upon certain forfeited recognizances, and defining the duty of Prosecuting Attorneys in the premises.....	408	Stein.....	408, 432, 498.....			
✓ 254	A BILL to declare the meaning and intent of section 27 of the Descend law of 1852	408	Lasselle.....	408, 513, 626.....			
✓ 255	A BILL to save pending suits affected by the passage of the act entitled "An act to repeal sections 43 and 44 of the Will law of 1852,"	408	Lasselle.....	408, 432, 498, 499, 626, 631.....	631		
✓ 256	A BILL to fix the time of holding Courts of Common Pleas in the Eleventh Judicial District, repealing all other laws on the same subject, and declaring when this act shall take effect.....	408	Lasselle.....	408, 432, 498, 499, 626, 631.....	631		
✓ 257	A BILL to provide for the erection of an Executive Mansion, making an appropriation for the site thereof, the means for its construction, and appointing a building committee to superintend the same, and declaring an emergency.....	414	Robinson, of Madison son.....	414, 415, 516, 542.....	415	47	558
✓ 258	A BILL to allow partnerships to bring and maintain suits, in their adopted names, in certain cases.....	448	Cravens.....	448, 598, 599.....			
✓ 259	A BILL to authorize the Governor to issue a patent to Samuel Cooper for certain Michigan Road Land in St. Joseph County.....	448	Fisher.....	448, 511, 626.....			
✓ 260	A BILL to increase the fees of County Treasurers for collecting delinquent taxes and to impose penalties on such Treasurers for a failure to use due diligence in the collection of such taxes.....	448	Reynolds.....	448, 449, 517, 542.....	449	407	558
✓ 261	A BILL to allow cities and incorporated towns within this State to erect buildings, for fire and other municipal purposes, on docks and wharves in certain cases.....	449	Hamilton.....	449, 614.....			
		449	Fisher.....	449, 515, 626.....			

262	A BILL requiring certain pleadings of fact in actions founded upon bills of exchange, promissory notes, and accounts, to be verified by affidavit.....	449	Hooper.....	450, 511, 534, 626.....
263	A BILL authorizing Notaries Public, and others authorized to administer oaths, to perform such oaths in behalf of pensioners free of charge, and fixing a penalty for the violation of this requirement.....	450	Cravens.....	450, 514.....
264	A BILL supplemental to an act entitled "An act to require surviving partners to file inventories and appraisements in the office of the Clerk of the Court of Common Pleas, and to report liabilities of the firm," approved March 5, 1859; further requiring such surviving partner to file bonds in said office, and requiring said Clerk to spread said inventories, appraisements, and reports of liabilities, on record.....	450	Doyle.....	450, 592.....
265	A BILL to amend section 16 of an act entitled "An act providing for the election or appointment of Supervisors of Highways, and prescribing certain of their duties, and those of county and township officers in relation thereto, and providing for an appeal in certain cases to the Circuit or Common Pleas Court,".....	450	Armstrong.....	450.....
266	A BILL to amend the 6th section of an act entitled "An act to revise, simplify, and abridge the rules, practice, pleadings, and forms in criminal actions in the courts of this State,".....	450	Bradley.....	450, 514.....
267	A BILL to prevent the destruction and larceny of timber and stone, and prescribing punishment therefor.....	451	Gray.....	451, 604.....
268	A BILL to amend the first section of an act to fix the time of holding the Courts of Common Pleas in the Fifth Judicial District, repealing all other laws on the same subject, and declaring when this act shall take effect.....	451	Cavens.....	451, 516, 542.....
269	A BILL to amend the title of an act to amend section 5 of an act entitled "An act regulating the Fees of Officers, and repealing former acts in relation thereto," approved March 2, 1855, approved March 3, 1855.....	484	Gray.....	481.....
270	A BILL to provide for the payment of certain Claims for ditching Swamp Lands, out of the General Swamp Land Fund.....	481	Green.....	484, 531, 559.....
271	A BILL to prevent Bankruptcy.....	481	Bradley.....	481.....
272	A BILL to incorporate the Indiana Homestead Company, and to authorize the persons therein named to organize a company for the purpose of transacting business generally in reference to the purchase and sale of real estate, the construction of store and dwelling houses, and such other business as the Board of Directors may think proper.....	492	Montgomery.....	492.....
273	A BILL to authorize the Issuing of Arms and Equipments to regularly Incorporated Military Companies.....	492	Caven.....	492, 602.....
274	A BILL regulating the Fees of County Clerks in relation to Estates and Guardianship, repealing former acts in relation thereto, and declaring an emergency.....	496	Hamilton.....	496.....
275	A BILL to amend an act entitled "an act for the Incorporation of Insurance Companies, defining their powers and prescribing their duties," approved June 17, 1852.....	496	Rice.....	496.....
276	A BILL for the relief of the Heirs of Patrick Donovan, deceased.....	496	Church.....	496, 516, 626.....
277	A BILL regulating the employment of persons under sixteen years of age in Cotton and Woollen Factories of this State, and providing for the education of such persons.....	506	Caven.....	506.....
278	A BILL concerning Appeals in Cases of Contempt.....	532	Hanna.....	532, 597.....
279	A BILL to reorganize the Ninth Judicial Circuit, providing for the times of holding courts therein, repealing all laws in conflict therewith, and declaring an emergency.....	532	Bradley.....	582, 554, 555, 500, 561.....
280	A BILL entitled an act to amend the first section of an act entitled "An act Reg-			

CALENDAR OF SENATE BILLS—REGULAR SESSION, 1869.

742

Number.	TITLE.	Introduced.	By what Senator.	Proceedings thereon.	Passed Senate	Returned from House.	Governor signed
281	ulating Docket Fees of District Attorneys in the Court of Common Pleas, and before Justices of the Peace, and regulating Prosecuting and District Attorneys fees for prosecutions on forfeited recognizances," approved June 3, 1861.	532	Craven.	532, 599.			
282	A BILL to provide for the judicial decision of the title and use of Square No. 25, in the city of Indianapolis, to quiet controversy concerning the same, and to protect the rights of the State therein.	533	Hughes.	533, 601.			
283	A BILL defining and providing punishment for Libel.	533	Hughes.	533, 604.			
284	A BILL to provide for the erection and repair of any bridge across a stream forming the boundary line between two Counties, and to repeal all laws inconsistent therewith.	533	Armstrong.	533.			
285	A BILL to amend section 1 of an act entitled An act to incorporate the University of Notre Dame du Lac, at South Bend, St. Joseph county, Indiana, approved January 15, 1844.	533	Sherrod.	533, 551.			
286	A BILL supplementary to an act entitled "An act to incorporate the Franklin Insurance Company, approved February 13, 1851, authorizing said company to change its place of business, to increase its capital stock, and contract for and increase the rate of interest established by law."	534	Wolcott.	533.			
287	A BILL to amend section 5 of an act entitled "An act to render uniform the assessment of personal property in the several townships of the different counties, approved December 19, 1865.	534	Henderson.	534, 601, 680, 681.	681		
288	A BILL to amend sections 25 and 28 of an act entitled An act dividing the State into counties, defining their boundaries, and defining the jurisdiction of such as border on the Ohio and Wabash rivers, approved June 7, 1852; and to provide for jurisdiction, and for collection of certain taxes in the territory aforesaid, and providing for submitting the question of readjusting the boundary lines between the counties of Warren and Fountain to the legal voters of those counties.	534	Armstrong.	534, 661.			
289	A BILL to provide for the location of a site for a State Industrial College.	535	Rice.	535, 603.			
290	A BILL creating the ——— Judicial Circuit, and fixing the times of holding Courts therein.	535	Craven.	535, 602.			
291	A BILL to amend section 8 of an act entitled an act to repeal all general laws in w in force for the incorporation of cities, prescribing their powers and rights, and the manner in which they shall exercise the same, and to regulate such matters as properly pertain thereto, approved March 14, 1867.	532	[of Decatur. Robinson.	552, 574, 565, 607, 635, 646.	646		
292	A BILL to transfer the county of Brown from the First to the Second Judicial	532	Craven.	552.			

Circuit, to provide for the time of holding courts therein, and to repeal all laws in conflict with this act, and declaring an emergency. "An act defining felonies and prescribing punishment therefor," approved June 16, 1852.

A BILL to amend the 35th section of "An act defining felonies and prescribing punishment therefor," approved June 16, 1852.

A BILL to fix the times of holding courts in the counties of Carroll and Cass, in the First Judicial Circuit.

A BILL to enable Railroad Companies to use bonds, to sell them to cities, towns and counties; and to authorize cities, towns and counties, to issue bonds with which to buy such railroad bonds.

A BILL to repeal an act entitled "An act to amend an act entitled an act to authorize the removal of convicts from the Southern State Prison to the Northern State Prison, and providing for the employment of convicts in each of said Prisons, directing what Counties shall send their convicts to the Northern State Prison, and providing for the carrying on of the work in the said Northern State Prison, and making appropriation for the support of said Prison," approved June 1, 1861, approved March 11, 1867.

A BILL making an appropriation for the support of the State University, and providing for the diminution of the same in certain contingencies.

A BILL to amend section 1 of an act entitled an act fixing compensation of township assessors, approved March 6, 1863.

A BILL to provide for the sale of the University.

A BILL to provide for the increased endowment of the State University at Bloomington, by accepting of Menure County fifty thousand dollars offered for the location of the State Agricultural College at Bloomington, and locating said Agricultural College at Bloomington, in connection with the State University; for the sale of square 25 in the City of Indianapolis, and for the investment and management of the proceeds thereof, as an endowment fund of said University, and authorizing the Board of Trustees to establish a Law and Medical Department thereof, and, after realizing interest on proceeds of sale of square 25 in Indianapolis, making tuition free in said State University, except in the Law and Medical Department.

A BILL to amend the 25th section of an act entitled "An act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the Courts of this State, to abolish distinct forms of actions at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity," approved June 18, 1852.

A BILL amendatory of section 17, of an act entitled "An act providing for the organization of County Boards, and prescribing some of their powers and duties," approved June 17, 1852.

A BILL to amend an amendment of section two of an act entitled "An act prescribing the powers and duties of Justices of the Peace in State proceedings," approved December 2, 1865, so as to authorize any Constable or Sheriff of any County, to serve a warrant throughout the State.

A BILL supplemental to an act entitled "An act appointing Commissioners to sell certain real estate, and to make him an allowance in lieu thereof, until the same is provided, and matters properly connected therewith," approved February 25, 1855, and to repeal the 6th section of said act.

552	Denbo	552, 565, 647, 648	618
552	Caven	552, 601	
552	Lasselle	552	
614	Jaquess	611, 661	
615	Robinson of Madison	615	
615	Hughes	615, 652, 653	
615	Armstrong	615, 661	
615	Jaquess	616	
616	Wolkott	616, 669	
617	Church	617	
617	Caven	617, 664, 665	
617	Montgomery	617	
635	Cravens	635	

CALENDAR OF HOUSE BILLS RECEIVED IN SENATE—Regular Session, 1869.

744

Number.	TITLE.	Received from House.	Proceedings thereon.	Passed Senate.	Signed.
1	A BILL to fix the times of holding the Courts in the 20th Judicial District.	88	88, 136, 156, 157.	157	235
2	A BILL fixing the time of holding Circuit Courts in the several counties composing the 4th Judicial Circuit, and declaring an emergency.	88	88, 108, 122, 123.	123	129
3	A BILL to authorize Judges of Common Pleas to appoint Judges to hold adjourned terms in certain cases, and providing compensation for the same.	433	457.		
5	A BILL to amend the one hundred and third section of an act entitled "An act to revise, simplify and abridge the rules, practice, pleadings, and forms in criminal actions in the Courts of this State," approved June 17, 1852.	592	622.		
6	A BILL providing for the location, construction, and use of lateral Railroads, and for the assessment of damages occasioned by the location, construction and use of the same.	387	454, 669.		
7	A BILL to authorize Foreign Guardians to take possession of, sue for, or receipt for any personal property or assets of their wards in this State.	129	144, 194, 294.		
8	A BILL authorizing Appraisers of Real Estate to appoint their Deputies, and authorizing appraisers to remove their deputies, and fixing the compensation of such appraisers and their deputies, and to legalize appointments of deputies heretofore made by appraisers and Boards of County Commissioners.	157	167, 168, 169.	169	219
10	A BILL in relation to the settlement of Decedents' Estates.	104	104, 114, 151, 177, 197, 295, 411	295	423
11	A BILL to create the Twenty-first and Twenty-second Judicial Circuits, to fix the time for holding courts therein, to provide for the election of Judges and presenting attorneys therein, and also to fix the times of holding the spring term of the Courts of Common Pleas of Miami County.	388	456, 527, 528, 630, 631.		
12	A BILL to amend section 5 of an act entitled an act to provide for the equalizing of the apportionment of the real estate of the State of Indiana, approved May 28, 1852.	411	454, 652.		
14	A BILL to amend section three of an act regulating interest on money.	129	144, 238.		
15	A BILL to amend sections 2 and 4 of an act for the incorporation	452	457, 609, 610.		

23	and continuance of Building and Loan Fund and Savings Associations, and supplemental thereto.	570	620, 652, 672, 673.	
30	A BILL to change the time of holding elections in this State, and to fill all vacancies in office occasioned by the provisions of this act, and declaring an emergency.	411	458, 549, 550.	
32	A BILL to amend section 9 of an act providing for the election of Clerks of the Circuit Court, and prescribing some of their duties, and declaring an emergency.	93	93, 114, 131, 132.	158
34	A BILL to provide for specific appropriations for legislative expenses.	452	458.	
36	A BILL to enable incorporated towns to lay out, open, grade and improve streets and alleys, and make public improvements therein, and to make surveys and adopt plats, where the same have been lost or destroyed, and prescribing the duties of the Board of Trustees, and providing for the mode of working and improving streets and alleys, and declaring an emergency.	523	623.	
37	A BILL authorizing Township Trustees to sell bonds, and procure means to build School Houses, pay debts, &c., &c.	592	622, 676.	
38	A BILL declaring certain contracts made with common carriers void.	411	412, 455, 514.	
40	A BILL to enable County Commissioners to demand, sue for, and recover any bounty fund which may have been raised by the citizens of any county in the State, and which remains unexpended or not accounted for, and declaring an emergency.	582	620, 661.	
42	A BILL to amend section twenty-one of an act entitled "An act to authorize a company to construct the Aurora and Laugherly Turnpike," approved February 15, 1818.	634		
46	A BILL to legalize the sale of seminary lands in Jasper county.	411	412, 456, 596.	
50	A BILL to amend an act incorporating cities and towns.	525	619, 660.	
54	A BILL to amend section 531 of an act entitled "An act to revise, simplify, and abridge the rules of practice, pleadings, and forms in civil cases, in the Courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity," approved June 18, 1852, and providing for the recording of recognizances and the compensation of officers therefor.	453	458, 519	
59	A BILL to fix the time of holding the Circuit Courts in the counties of Kosciusko and Noble of the 14th Judicial Circuit.	387	454, 455.	455
60	A BILL for the incorporation and continuance of life insurance companies, authorizing them to re-insure their risks, exempting certain policies of life insurance from attachment by creditors, making all policies non-forfeitable after two full annual	585	623, 674.	466

CALENDAR OF HOUSE BILLS RECEIVED IN SENATE—Regular Session, 1879.

Number.	TITLE.	Received from House.	Proceedings thereon.	Passed Senate.	Signed.
62	Payments, repealing all laws and parts of laws inconsistent therewith, and declaring an emergency. A BILL to amend section 147 of an act entitled "An act to provide for a general system of common schools, the officers thereof, and their respective powers and duties, and matters properly connected therewith, and prescribing the fees of certain officers therein named, and for the establishment and regulation of township libraries, and to repeal all laws inconsistent therewith, providing penalties therein prescribed," approved March 6, 1855.	388	459, 527.		
63	A BILL prohibiting the use of spring balances by dealers in articles sold by weight, and prescribing the penalty for its violation.	592	622.		
64	A BILL defining what counties shall constitute the Twelfth Judicial Circuit, and fixing the time of holding courts therein.	387	535.		
65	A BILL amending section 15 of an act entitled "An act for the incorporation of manufacturing and mining companies, and for mechanical, chemical and building purposes," approved May 29, 1852, and declaring the meaning of the word "annually," as used in the 13th section of said act.	452	458, 609.		
66	A BILL defining a certain felony and misdemeanor, prescribing punishment therefor, and declaring an emergency.	452	457, 519.		
68	A BILL to amend sections 63 and 69 of chapter 12, of an act entitled "An act to repeal all general laws now in force for the incorporation of cities, and to provide for the incorporation of cities, prescribing their powers and rights, and the manner in which they shall exercise the same, and to regulate such other matters as properly pertain thereto," approved March 14, 1867.	523	619.		
72	A BILL defining what counties shall constitute the Fifth Judicial Circuit, and fixing the time of holding courts therein.	523	622, 608, 669.		
73	A BILL to amend section 15 of an act entitled "An act regulating the fees of officers, and repealing former acts in relation thereto," approved March 2, 1855.	577	622.		

83	A BILL to amend sections 16, 17 and 18 of an act entitled "An act regulating the fees of officers, and repealing former acts in relation thereto," approved March 2, 1855, providing for the fees and mileage of witnesses and jurors, and declaring an emergency.	433	439, 520.
84	A BILL regulating the fees of members of the State Board of Education.	411	412, 456, 492.
90	A BILL creating the Twenty-Fifth Judicial Circuit, providing for the election of Judges and Prosecuting Attorneys thereof, providing compensation, &c.	559	629.
92	A BILL to amend section 1 of an act entitled "An act to establish a House of Refuge for the Correction of Juvenile Offenders," approved March 8, 1867.	523	618, 698.
94	A BILL to amend section 39 of an act entitled "An act defining felonies, and prescribing punishment therefor," approved June 10, 1852.	433	458, 550.
97	A BILL authorizing certain County Auditors to correct their reports to the Superintendent of Public Instruction relative to the school fund, Common and Congressional, as required by an act entitled "An act requiring County Auditors to make examination of the records in their office in relation to school funds, and make report, and providing compensation therefor," approved December 21, 1855, and declaring an emergency.	524	618.
100	A BILL to amend the 10th section of an act providing for the election and qualification of Justices of the Peace, and defining their jurisdiction, powers, and duties in civil cases, approved June 9, 1855.	634	
103	A BILL declaring certain contracts to pay attorney fees void.	617	
105	A BILL to regulate and make uniform the prices charged by railroad companies for transferring goods, merchandise, and material to and from stations on railroads in this State, and to require each Railroad Company to carry passengers on freight trains, and providing penalties for its violation.	582	629.
110	A BILL to amend section 47 of an act entitled "An act to provide for opening, vacating and change of highways, approved June 17, 1852.	523	619, 665.
113	A BILL to render taxation for common school purposes uniform, and to provide for the education of the colored children of the State.	597	621.
114	A BILL to amend the 5th section of an act, approved March 6, 1856, entitled "An act to provide for a general system of common schools, the officers thereof, and their respective powers and duties, and matters properly connected therewith, and prescribing the fees for certain officers therein named, and for the establishment and regulation of township libraries, and to repeal all laws inconsistent therewith, providing penalties therein prescribed.	645	

CALENDAR OF HOUSE BILLS RECEIVED IN SENATE—Regular Session, 1869.

Number.	TITLE.	Received from House.	Proceedings thereon.	Passed Senate.	Signed.
123	A BILL to amend section three of an act entitled "An act to require surviving partners to file inventories and appraisements in the office of the Clerk of the Court of Common Pleas, and to report the liabilities of the firm."	52	18, 661.		
124	A BILL supplemental to an act to provide for the confinement of persons insane and dangerous when suffered to run at large, and for the compensation of him to whom the custody of insane persons is committed, approved February 21, 1855, and to provide for the recovery of moneys expended by one County in the arrest, safe-keeping, clothing and treatment of an insane person, where legal settlement is in another County.	583	622.		
127	A BILL authorizing County Recorders to demand and receive their fees for Recording at the time Deeds, Mortgages, and other papers are presented to them for record.	521	620, 652.		
132	A BILL to enable cities to aid in the construction of railroads and water power, and declaring an emergency.	573	621.		
134	A BILL to amend an act entitled an act to amend section seventy-six of an act entitled "An act defining misdemeanors, and prescribing punishment therefor," approved February 14, 1865, and to enforce the same.	592	621, 663.		
135	A BILL to provide for the disposition of moneys in the State Treasury to the credit of estates without heirs, and declaring them escheated to the State in twenty years.	583	621.		
138	A BILL declaratory of the Common Law, as to the duty of railroad companies, and other common carriers, in the transportation of freights, and to prevent exorbitant charges for such transportation, and providing a remedy, and making certain claims assignable.	570			
139	A BILL for the relief of Nicholas Morlack, Joseph E. Lange, and Francis Joseph Weizler.	442	458, 661.		
140	A BILL repealing certain sections of an act to provide for the registry of voters, and declaring their residence, etc., etc., and prescribing further duties of the officers of election.	645			
143	A BILL supplemental to an act entitled "An act to provide for the regulation of the running at large of all kinds of animals within the different townships in the different counties of the State, and to provide for the taking up, impounding, and sell-	599	641.		

146	ing such animals as shall not be allowed by law to run at large," approved March 31, 1852, and providing that the owner of such animal or animals shall not be liable for any damages or injuries that said animal or animals may or shall occasion on any railroad track, on uninclosed lands and highways, and declaring an emergency.	634	
147	A BILL requiring Township Trustees to examine the docket of Justices of the Peace, as to their delinquency in paying over fines to the proper officers."	647	
160	A BILL to provide for the care of certain illots	622, 635.	
	A BILL to legalize the official acts of the several Boards of Trustees of the town of Noblesville, Hamilton County, Indiana, and all other officers of said corporation, under an act for the incorporation of towns, etc.	593	
161	A BILL to amend an act exempting certain property from sale on execution, being chapter fifth, approved February 17, 1852, by adding an additional section thereto.	619.	
165	A BILL providing for a Geological Survey of the State, and for the collection and preservat on of a geological and mineralogical cabinet, and creating the office of State Geologist.	645	676
167	A BILL defining certain misdemeanors, and prescribing punishment therefor, and fixing fees of certain officers in prosecutions under this act, and preventing minors from playing at billiards in public billiard saloons.	624	618.
178	A BILL to amend section 5 of an act entitled "An act to provide for the more uniform mode of doing township business, and prescribing the time of electing Township Trustees, and declaring an emergency."	634	
179	A BILL repealing section 1 of an act entitled "An act prescribing the number and defining the powers and duties of constables and prescribing the times of electing the same."	634	
202	A BILL to make certain specific appropriations therein designated.	387	457, 526, 527.
203	A BILL fixing the time of holding Circuit Courts in the several counties, composing the Sixth Judicial Circuit, repealing all laws in conflict therewith, making all process returnable to the time fixed by this act, and regulating the transaction of business therein.	427	455, 510, 511.
205	A BILL to fix the time and length of terms for holding the Circuit Court in the County of Marshal, and repealing all laws contravening the provisions of this act.	551	619
214	A BILL supplemental to an act entitled "An act supplemental to an act approved March 3, 1859, entitled an act authorizing the purchasers of railroad, plank roads, or macadamized roads, or parts thereof, under mortgage sales, or sales made according to the terms of the deeds of trust, to organize as incorporated companies, and prescribing their powers, and extending the time provided in said act for the organization of such distinct organization."	683	
225	A BILL to provide for holding the Court of Common Pleas in the	551	619

CALENDAR OF HOUSE BILLS RECEIVED IN SENATE—Regular Session, 1869.

Number.	TITLE.	Received from House.	Proceedings thereon.	Passed Senate.	Signed.
244	Counties of Laporte and Marshal, and to repeal the law now in force in relation thereto. A BILL to amend the 6th section of an act, entitled "An act to fix the time of holding the Common Pleas Courts in the several counties of this State, the duration of the terms thereof, and making all process from the present Common Pleas Courts returnable to such terms, and declaring when this act shall take effect, and repealing all laws inconsistent therewith," approved March 5th, 1859.	427	456, 457.	457	466
243	A BILL fixing the time of holding Circuit Courts in the several counties comprising the Fourth Judicial Circuit of this State, and declaring an emergency.	387	455, 512, 524, 535, 545, 547, 552, 553.	553	558
251	A BILL legalizing the assessment of taxes for State Debt Sinking Fund purposes for the years 1867 and 1868, and declaring what amount shall be assessed and collected, for the same purposes, for the years 1869 and 1870, and making certain provisions as to the application of said tax.	616	635, 658, 659, 671.	671	681
271	A BILL to provide for holding Courts in the County of Brown, in case of conflict with the Circuit Court of that County, and to repeal all laws in conflict with this act, and declaring an emergency.	559	620		
273	A BILL to raise revenue for State purposes for the years 1869 and 1870, and subsequent years.	616	635, 658, 670.	670	684
309	A BILL making general appropriations for the years 1869 and 1870.	681	681		

SENATE JOINT RESOLUTIONS IN REGULAR SESSION, 1869.

Number.	TITLE.	Introduced.	By what Senator.	Proceedings thereon.	Passed Senate.	Received from House.	Signed.
1	A JOINT RESOLUTION requesting our Representatives, and instructing our Senators in Congress to use their influence to secure the passage of a law increasing the present currency of the country to the extent that the same has been contracted by the retiring of the greenback and compound interest notes.	63	Turner.	62.	.....	.....	.....
2	A JOINT RESOLUTION directing the Auditor of State to prepare a list of the several officers of this State who have filed a statement of their fees, perquisites and emoluments in his office in obedience to the provisions of an act entitled "An act to ascertain the amount of fees and salaries of the Clerks of the Supreme Court, and Common Pleas Courts of this State, of the Sheriff of the Supreme Court, and of the various counties of this State, of County Auditors, Treasurers and Recorders, of Circuit and Prosecuting Attorneys, and to provide punishment for a violation of its provisions," approved June 3, 1861, with a succinct statement of the aggregate amount of fees reported by each of said officers for the years 1867 and 1868.	63	Carson.	63, 64.	64	.....	.....
3	A JOINT RESOLUTION instructing Senators and requesting Representatives in Congress to inquire into losses of men belonging to Battery "F," U. S. Artillery, and take action to repair said losses.	137	Carson.	137.	137	453	463
4	A JOINT RESOLUTION in relation to the Harbor at Michigan City.	186	Bradley.	186, 198.	198	235	.....
5	A JOINT RESOLUTION instructing our Senators and requesting our Representatives in Congress, to oppose the passage of any bill legalizing coin contracts until the Government shall redeem its legal tender notes in coin.	187	Walcott.	187, 198, 200, 267.	.....	.....	.....
6	A JOINT RESOLUTION instructing our Senators, and requesting our Representatives in Congress, to use their influence to procure the passage of an act of Congress authorizing the Secretary of the Treasury of the United States, to receive coupons of United States Bonds in payment of import duties, and permitting such coupons to be so received in advance of their becoming due.	187	Caven.	188, 198, 200, 267, 279.	.....	.....	.....
7	A JOINT RESOLUTION instructing our Senators, and requesting our Representatives in Congress, to vote for the repeal of the tenure-of-office law.	244	Hughes.	244, 245, 532, 559.	245	510	.....
8	A JOINT RESOLUTION appropriating \$10,000 to be expended by the Governor for the purpose of detecting and bringing to punishment the perpetrators of high crimes and offences lately perpetrated in this State, and also for the purpose of detecting and bringing to just punishment all such as may hereafter be guilty of like grave offences, and matters properly connected therewith.	261	Carson.	262, 287, 286, 287, 288.	.....	.....	.....
9	A JOINT RESOLUTION for creating another Judicial District for the District Court of the United States for Southern Indiana.	262	Morgan.	262, 263, 276.	270	.....	.....
10	BE IT RESOLVED <i>By the General Assembly of the State of Indiana</i> , That our Senators in Congress be instructed, and our representatives requested, to oppose by their	267	Walcott.	268, 543.	268	438	.....

11	influence and votes the passage of any bill that shall specially legalize coin contracts, until the United States shall redeem its Treasury Notes in coin; and to oppose the enactment of any law which shall have the effect to reduce the present volume of paper money in use among the people of the United States.	294	Hughes.	295, 394.	.....	.....
12	A JOINT RESOLUTION providing for the closing of the Soldier's Home at Knights- town, and authorizing the sale thereof by the Governor.	331	Houghton.	331, 532, 559	331	510
13	A JOINT RESOLUTION instructing our Senators, and requesting our Representatives in Congress, to secure the passage of an act for the adjustment of claims due Mary Burns, a resident of Martin County, State of Indiana, widow of Charles Burns, deceased, late private of Co. B, 89th Ind. Vol. Infantry.	517	Hughes.	517, 518, 519.	519	.....
14	A JOINT RESOLUTION authorizing the Governor to collect by suit, from the Terre Haute & Indianapolis railroad company, all claims, dues and demands, rightfully owing to the State.	579.	Green.	499.	.....	.....
15	A JOINT RESOLUTION declaring it unconstitutional and impolitic for the General Assembly to purchase the Wabash and Erie Canal, or to acknowledge any liabilities on the part of the State on account of the debt charged upon said Canal.	610	Henderson.	610, 611.	.....	.....
16	A JOINT RESOLUTION to suspend the operation of Senate bill No. 133, entitled an act to amend sections one and three of an act entitled "An act to provide for the re-location of County Seats, and for the erection of public buildings, in Counties, in case of such re-location," approved March 2, 1855; and to amend section one of an act amendatory of said act, approved December 18, 1865; and to provide for the appointment of Commissioners, approved by the Governor, February 24, 1869.	612	Turner.	612, 613.	.....	.....
17	A JOINT RESOLUTION providing for certificates to be signed by the Governor, and countersigned by the Adjutant General, commemorating the services and achievements of Indiana in the late war of the rebellion, and making an appropriation therefor.	613	Morgan.	613.	.....	.....
	A JOINT RESOLUTION to place the Agricultural College Fund to the credit of the Common School Fund of Indiana.					

HOUSE JOINT RESOLUTIONS IN SENATE—REGULAR SESSION, 1869.

Number.	TITLE.	Introduced	Proceedings thereon.	Passed Senate.	Returned to House.	Signed.
7	A JOINT RESOLUTION instructing our Senators, and requesting our Representatives in Congress, to secure the passage of a law granting land warrants to soldiers and sailors in the war for the suppression of the rebellion.	635	.....	.....	.....	.....
8	A JOINT RESOLUTION instructing our Senators, and requesting our Representatives in Congress, to procure the passage of a law removing all disabilities under existing laws, because of volunteers who left the service of their command after the 18th of April, 1865.	683	.....	.....	.....	.....

SENATE CONCURRENT RESOLUTIONS—REGULAR SESSION, 1869.

754

SUBJECT MATTER.	INTRODUCED.	BY WHAT SENATOR.	PROCEEDINGS THEREON.	ADOPTED.
To print the Governor's Message, Quartermaster General's Report, and supplementary report of Morgan Raid Commission.....	64	Bellamy.....	64, 65, 93, 201.....	65
Inviting Chas. F. Coffin and Z. V. Brockway to address General Assembly on Prison Reform.....	103	Kinley.....	104, 129.....	129
On gubernatorial mansion.....	137	Cravens.....	137, 217, 447, 448.....	137
Appointing Joint Committee on the subject of Finance.....	201	Wolcott.....	201, 217.....	201
Instructing our Senators and requesting our Representatives in Congress to vote for the repeal of the Tenure of Office Law.....	225	Hughes.....	225.....	225
For Committees on Organization of Courts to meet in Joint Committee, to consider expediency of re-organizing the system of Courts, and abolishing Common Pleas Court.....	251	Gray.....	251.....
Instructing our Senators and requesting our Representatives to oppose any amendment to the Constitution, taking from the States the right to regulate the elective franchise.....	255	Sherrod.....	256, 264, 282.....
Directing Auditor of State, in his annual reports, to make an exhibit of taxes paid by the people of the State.....	261	Hughes.....	261.....	{ 261 417
Directing Librarian to furnish employees of Assembly, who served in army or navy, with Adjutant General's Report.....	261	Lasselle.....	261, 459, 460, 528, 560.....	{ 261 417 269 417
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